



An
Bord
Pleanála

Inspector's Report ABP-302184-18

Development

Construction of a new flat roof, 3 bedroom, part single storey, part two storey detached dwelling. Parking to be provided for one vehicle accessed via existing vehicular entrance off Taney Road. New service connections and associated site works.

Location

Site off Taney Road, Dundrum, Dublin 16, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D18A/0422

Applicant(s)

Vanguard Estates Ltd.

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Vanguard Estates Ltd.

Observer(s)

Ciaran and Mary Rowsome

Date of Site Inspection

30th October, 2018

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located within an established residential area, approximately 700m east of the junction of Taney Road with Drummartin Road (R112 / R825), where it occupies an infill position between No. 16 Taney Road ('Ard Aoibhinn') and the neighbouring housing within Taney Rise at Dundrum, Dublin 16, Co. Dublin. The surrounding area is broadly characterised by conventional housing development, although Taney Christ Church is located a short distance away to the southeast on the opposite side of Taney Road (*N.B.* The Sydenham Road Architectural Conservation Area is also located on the opposite side of Taney Road).
- 1.2. The site itself has a stated site area of 0.0478 hectares, is irregularly shaped, and presently consists of an elongated and somewhat unkempt plot of land that previously served as a vehicular access to the former Taney Nurseries site to the immediate north which is currently being redeveloped for housing purposes. In this respect it is notable that the wider site is located at a lower elevation than the adjacent properties to the east and west (i.e. the rear garden areas of neighbouring dwelling houses) and falls away from the public road on travelling northwards with the result that it is not overtly visible from within the surrounding area. To the immediate east and west the site adjoins residential properties whereas further housing development is currently underway on the adjacent lands to the north whilst Taney Road bounds the site to the south. The site boundaries are generally defined by a combination of fencing, timber panels, and various tree / hedge planting. Access to the site is obtained directly via an existing gated entrance onto Taney Road.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a contemporarily designed, split-level, partial single storey / two-storey dwelling house with a stated floor area of 216.9m² and a maximum ridge height over ground of 6.15m. The overall design is based on an elongated, irregularly-shaped footprint and utilises a flat-roofed construction. External finishes will include rough-cast concrete, 'Corten' steel cladding, and hardwood timber cladding with vertical fins. Access to the site will be obtained via an existing entrance arrangement onto Taney Road with a rotating

parking platform to be provided in order to avoid cars having to reverse onto the public road. Water and sewerage services are available from the public mains.

N.B. The subject application has been accompanied by an application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 2nd July, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- Having regard to the policy objectives contained within the Dún Laoghaire Rathdown County Development Plan, 2016-2022, it is considered that the proposed development fails to accord with the area's zoning objective which is 'to protect and or improve residential amenity'. The proposed development, on a narrow site, by virtue of its scale, depth and massing directly on the shared boundaries of the neighbouring properties at 61 Taney and 59 Taney Rise would appear visually obtrusive when viewed from surrounding properties. It is considered that the proposed development would materially contravene the zoning objective, which is 'A', 'to protect and or improve residential amenity', would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development would endanger public safety by reason of traffic hazard due to vehicles exiting the proposed parking space and reversing onto the public footpath and onto Taney Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, the planning history, and the applicable policy considerations before stating that the proposed development, by reason of its massing, scale, depth, and proximity to the shared site boundaries with Nos. 58 & 61 Taney Rise, would have a negative impact on the visual amenities of the surrounding area. It is further stated that whilst the Development Plan supports infill schemes, the narrowness of the site, when taken in conjunction with the proposal to build up to the site boundaries, would detract from the visual and residential amenities of neighbouring properties. Moreover, it has been held that the proposed dwelling house would appear visually cramped and incongruous given its depth and height along the shared site boundaries. The assessment thus concludes by asserting that the proposal fails to accord with the relevant land use zoning objective and recommends a refusal of permission.

3.2.2. Other Technical Reports:

Drainage Planning (Municipal Services): No objection, subject to conditions.

Transportation Planning: States that the proposed development site was previously considered in its assessment of PA Ref. Nos. D17A/0513 & D13A/0490 (ABP Ref. No. PL06D.242786) when the potential benefit of using the site as a permeability link for pedestrians and cyclists to and from those developments was identified. It is also stated that the proposed construction of a three-bedroom dwelling house would amount to an intensification of use on site and that the usual transportation considerations should apply. The report proceeds to assert that the sightlines achievable onto Taney Road have not been detailed and then states that the proposal for a 'rotating parking platform' is unacceptable and would set an undesirable precedent as it would require vehicles having to reverse onto the roadway thereby posing a potential hazard for other road users. It subsequently recommends that the proposed development be refused permission for the following reason:

- Endangerment of public safety due to vehicles exiting the said proposed parking space and reversing onto the public footpath and onto Taney Road

i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the Fourth Schedule (Reasons for the Refusal of Appropriate Permission which Exclude Compensation) of the Planning and Development Act, 2000.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A single submission was received from an interested third party and the principle grounds of objection contained therein can be summarised as follows:

- The proximity and extent of the proposed construction alongside the shared site boundary.
- The overall design and appearance of the proposed dwelling house.
- Detrimental impact on the residential amenity of neighbouring housing by reason of overlooking and a loss of privacy.
- Concerns with regard to the future servicing of the proposed development given the narrowness of the site.
- The site is smaller than is represented in the application.
- The absence of any on-site visitor parking and the potential traffic hazard associated with same (i.e. haphazard on-street parking practices).
- Difficulties as regards deliveries to the site due to the presence of continuous yellow lines along the roadway and the potential for vehicles having to reverse onto the public road.
- The appropriateness of the proposed land use given that the space in question served as a laneway for a significant period of time.

4.0 **Planning History**

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. D02B/0050. Was granted on 6th March, 2002 permitting Anthony and Ann O'Hora permission for a room between the house and garage at 61 Taney Rise, Goatstown, Dublin 14.

PA Ref. No. D03A/0065 / ABP Ref. No. PL06D.202523. Was refused on appeal on 13th August, 2003 refusing Paul Kenny permission for a residential development consisting of demolition of existing house, outbuildings and greenhouses and the construction of new vehicular entrance at 8 Taney Road and 35 No. two bedroom and 35 No. four bedroom units (student accommodation under Section 50) in 4 No. two-storey plus dormer blocks plus 1 No. one-storey caretaker security lodge with 81 No. car parking spaces together with bin and bicycle store and seminar / laundry / storage facilities with on and off-site development works; these residential developments are to include usage by third level students and summer usage by tourists, all at the former Taney Nurseries, Taney Road, and part garden at 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D03A/1118 / ABP Ref. No. PL06D.207419. Was granted on appeal on 21st December, 2004 permitting Paul Kenny permission for the demolition of existing house, outbuildings and commercial greenhouses, and the construction of new vehicular entrance to include removal of conservatory at 8 Taney Road, Dundrum and construction of 56 units (four two-bedroom mews bungalows in two single storey blocks, eight two-bedroom, eight two-bedroom plus study and eight four-bedroom houses in four two-storey plus dormer terrace blocks and six one-bedroom, 16 two-bedroom and six two-bedroom plus study apartments in one three-storey plus penthouse block) over 50 basement car parking spaces, bin and bicycle stores and 42 surface car parking spaces with on and off site development works at former Taney Nurseries, Taney Road and part garden of 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D06A/0239. Was granted on 13th April, 2006 permitting C & M Rowsome permission for a single storey extension to rear, minor alterations to front elevation, widening of vehicular access and stone cladding to front boundary wall, at Ard Aoibhinn, Taney Road, Dublin 14.

PA Ref. No. D08A/0674. Was refused on 5th August, 2008 refusing Kenny Group House permission for alterations to previously granted planning permission

D03A/1118 for the replacement of no. 24 terraced units in Blocks 1, 2, 3 and 4 with 12 no. semi-detached and no. 6 detached units also for alterations to the vehicular entrance to allow for separate vehicular entrance to 8 Taney Road at former Taney Nurseries, Taney Nurseries and part garden no. 8 Taney Road, Dundrum.

PA Ref. No. D08A/1269 / ABP Ref. No. PL06D.234589. Was granted on appeal on 5th February, 2010 permitting Paul Kenny permission for alterations to previously granted planning application, planning register reference number D03A/1118, for the replacement of 24 No. terraced units in Blocks 1, 2, 3 and 4 with 4 No. terraced units, 8 No. semi-detached units and 6 No. detached units at Taney Nurseries and part garden of No. 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D13A/0490 / ABP Ref. No. PL06D.242786. Was granted on appeal on 29th April, 2014 permitting Paul Kenny permission for the demolition of existing house, outbuildings and greenhouse structures, and construction of a new vehicular entrance at 8 Taney Road for 30 No. new houses comprising 14 No. detached units, 12 No. semi-detached units and 4 No. terraced units, and associated roadways, lighting, parking, drainage requirements and landscaping. The works also include alterations and extensions to the existing property at 8 Taney Road, including a part single, part two-storey flat roof extension to the rear and repositioning of vehicular entrance and parking to the rear, all at Former Taney Nurseries and 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D17A/0513 / ABP Ref. No. PL06D.249113. Was refused on appeal on 22nd June, 2018 refusing Duff and Phelps (Ireland) Limited permission for a development comprising modifications to permission granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL06D.242786) as follows: (1) Revised design (internal and elevations) to permitted A, A1, A2, A3, B, B1, F and F1 house types with the four-bed, detached A/A3 types increased from circa 130 square metres to circa 165 square metres; the four-bed detached A1/A2 types increased from circa 145 square metres/circa 152 square metres to circa 185 square metres/circa 192 square metres respectively; the four-bed, semi-detached B/B1 types increased from circa 133 square metres/circa 144 square metres to circa 148.5 square metres /circa 164 square metres respectively; and the four-bed detached F/F1 types increased from circa 128 square metres to circa 155 square metres. (2) Reduction in the number of permitted units by one with two number Type

C units replaced by one number A1 type. (3) The remainder of the development to be carried out in accordance with parent permission granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL06D.242786), all on a site of circa 0.71 hectares located at the former Taney Nurseries and Number 8 Taney Road, Dundrum, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for revised design (internal and elevations) to permitted A, A1, A2, A3, B, B1, F and F1 house types with the four-bed, detached A/A3 types increased from circa 130 square metres to circa 165 square metres; the four-bed detached A1/A2 types increased from circa 145 square metres/circa 152 square metres to circa 185 square metres/circa 192 square metres respectively; the four-bed, semi-detached B/B1 types increased from circa 133 square metres/circa 144 square metres to circa 148.5 square metres/circa 164 square metres respectively; and the four-bed detached F/F1 types increased from circa 128 square metres to circa 155 square metres and to refuse permission for the reduction in the number of permitted units by one with two number Type C units replaced by one number A1 type).

PA Ref. No. D17A/0697. Was granted on 27th September, 2017 permitting Brendan & Siobhan Devlin permission for the construction of a two storey side extension and single storey side and rear extensions to existing house, incorporating relocated front door, new ground floor side windows, rear patio doors, external chimney flue to rear elevation, installation of roof lights, new windows and rear dormer window. External alterations to street façade, including lowering of windows, reinstatement of original garage, widening of existing northern vehicular entrance and all other associated site works. All at 59 Taney Rise, Goatstown, Dublin 14.

PA Ref. No. D18A/0769. Was granted on 1st October, 2018 permitting Anne O'Dwyer and Declan Taite (as receivers) permission for a development comprising minor modifications to 26 No. of the houses permitted under Reg Ref D13A/0490 (ABP Ref. PL06D.242786) - unit types impacted are A, A1, A2, A3, B, B1, B2, C, F & F1. Modifications include omission of permitted chimneys; internal room configurations; mirroring of units, revised elevational design and footprint. Otherwise no changes to the layout, design and ridge heights of the houses as per the original permission Reg Ref. D13A/0490 (ABP Ref. PL06D.242786) and the remainder of the development to

be carried out in accordance with same. All at Former Taney Nurseries, Taney Road, Dundrum, Dublin.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may 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. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan

- 5.2.1. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

Land Use Zoning:

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and-or improve residential amenity*’.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: *Quantitative Standards*

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas: (vii) Infill:*

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4: *Sustainable Travel and Transport:*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

Section 8.2.8: *Open Space and Recreation:*

Section 8.2.8.4: *Private Open Space - Quantity*

N.B. The application site is located within the boundary of the Proposed Dundrum Local Area Plan, 2019-2025 (which has yet to be prepared).

5.3. **Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.4km northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.6km northeast of the site.

N.B. This list is not intended to be exhaustive and is simply a summation of those Natura 2000 sites in closest proximity to the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- The assertion that the proposed development fails to accord with or materially contravenes the applicable land use zoning objective (i.e. 'A': *To protect and / or improve residential amenity*) is rejected.
- The proposed development, by reason of its scale, depth and massing, will not appear visually intrusive when viewed from surrounding properties.
- Inadequate consideration has been given to the design treatments incorporated into the proposal which serve to minimise its scale, massing and perceived visual obtrusiveness.
- The decision to refuse permission is contrary to the provisions pertaining to infill development as set out in Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas: (vii) Infill*' of the County Development Plan and Section 5.9 of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.
- The overall height of the proposed development is cognisant of the adjoining dwellings at No. 61 Taney Rise and No. 16 Taney Road. The sloping site topography facilitates an upper and lower ground floor level dwelling ranging in height from c. 3-6m. In addition, some cut and fill is required which will serve to reduce the bulk, scale, and height of the proposal.

The parapet level of the upper floor will be approximately 67.350mOD (approximately 4m lower than the adjoining dwellings):

- No. 61 Taney Rise – ridge level: 71.050mOD
 - 'Ard Aoibhinn' – lower parapet level (single storey side extension): 67.220mOD, and higher parapet level (two-storey main house): 70.860mOD.
- In an effort to reduce the perceived massing of the proposed development, the sloping site topography has been utilised to provide for a split-level dwelling. The design works with the unique characteristics of the site by

providing a long elegant footprint that extends towards the rear of the site. This ensures a high quality and varied internal living environment within the dwelling whilst negating against the need to build upwards which could potentially impact on the setting and character of the area.

- The depth of adjacent dwellings is of less consequence as the massing of the new construction will be absorbed by the proposed boundary treatment, the use of a green / flat roof, and the existing planting in and around the site. Therefore, the massing of the house will play little role in the visual amenities of adjoining gardens.
- The scale of the proposed dwelling is insignificant given that the massing of the structure will be spread horizontally across the site rather than vertically.
- That part of the proposed dwelling house which will extend beyond the side boundary of No. 59 Taney Rise is primarily single storey (c. 2.5m high). By way of comparison, it should be noted that rear boundary walls normally extend to c. 2m in height. Therefore, the aforementioned section of the proposed dwelling will not give rise any visual intrusion when viewed to the rear of No. 59 Taney Rise (*N.B.* The Board is referred to Figure No. 2 of the grounds of appeal).

The remainder of the proposed dwelling that will extend along the length of the rear boundary with No. 61 Taney Rise will be approximately 2-5m in height given the change in level within the rear garden area of that property.

- The proposed eastern boundary surrounding the courtyard area will comprise a c. 1.8m high rendered block wall to the inner side of the red line boundary with c. 2.2m high timber fencing to the inner face of the wall. The remainder of the elevation will consist of an external concrete wall including a proposed hardwood clad wall with vertical hardwood timber fins.

While a portion of the eastern elevation of the upper ground floor will be visible above the proposed boundary treatments, it should be noted that this elevation will be finished in high quality materials, including hardwood fins. Furthermore, no windows are proposed within the eastern elevation.

- The 'green' flat-roofed element of the proposed development will minimise the visual impact on adjoining properties.
- The submitted design negates against a visually cramped or incongruous appearance to the shared boundaries.
- Given that the existing front boundary walls and piers will be retained, and as the front elevation of the proposed dwelling will present as single storey, the proposal will be almost imperceptible when viewed from Taney Road with only a sliver of the steel-clad finish to the front entrance visible from the public road. The character and setting of the area will, therefore, remain unchanged.
- The overall design and layout of the proposed development accords with the requirements of Section 8.2.3.4 (vii) of the Development Plan as follows:
 - The size, design and layout of the dwelling is heavily influenced by the specific characteristics of the site, including its topography, dimensions, and boundary treatment etc. The proximity of the proposed dwelling from adjacent residences has informed the floor levels, the internal room arrangement, the siting of fenestration, and elevational treatment, including the use of obscure glazing and hardwood clad walls, in order to mitigate against overlooking and a potential loss of privacy.
 - The potential impact on the residential amenity of neighbouring dwellings is militated against as a result of setting the dwelling into the site. Part of the lower ground floor will be located underground with the upper ground floor only partially visible from surrounding properties.
 - The proposed dwelling house complies with the quantitative standards set out in the '*Quality Housing for Sustainable Communities Guidelines, 2007*'.
 - The proposal adheres to the design standards set out in the County Development Plan as regards density, height, amenity, privacy etc.
 - There are no rigid building lines along Taney Road, e.g. 'Ard Aoibhinn' to the west is set forward of the building line associated with the adjoining dwelling known as 'Waldon'. Similarly, given the composition of the corner site at No. 61 Taney Rise, the front building line is set

back from the adjoining dwelling at No. 59 Taney Rise. Therefore, the proposed building line is considered appropriate.

- It is proposed to install a rotating parking platform in order to eliminate the need for vehicles having to reverse onto the public road thus improving upon traffic safety. This is considered to be a sensible design solution that overcomes any perceived deficiency in traffic / access standards. It should also be noted that this entrance was previously used as the principle access to the Taney Nurseries site which operated with no known impact on traffic flow / safety along Taney Road.
- A side access has been provided via steps to the rear of the dwelling which will ensure the future maintenance etc. of the property.
- The private garden area (c. 139m²) exceeds the minimum standards of the Development Plan.
- The proposal is visually harmonious with the surrounding natural and built context. The mix of grey and dark rust red colours will complement the adjoining white rendered house at 'Ard Aoibhinn' and the rich stone / brick façades of dwellings within Taney Rise.
- The proposed development is contemporary yet relatively simple in its design. Subtle architectural detailing such as the hardwood timber fins not only maintains the privacy of adjoining residents but also adds visual interest.
- The side elevations largely present the upper ground floor level. The omission of windows and / or the use of obscure glazing and the introduction of timber fins results in an attractive elevation to adjoining properties.
- The rear elevation with its picture box window is appropriate as it overlooks the rear garden and provides an amenity from the combined kitchen / living / dining area at upper ground floor level to the rear garden behind.

- The mitigation measures proposed, including the omission of windows from within the eastern elevation, the use of obscure glazing within the western elevation, the reduced parapet heights, and the provision of green roofs, will all assist in mitigating any potential negative visual or physical impacts on the amenity of adjacent properties.
- The report of the case planner has acknowledged that *'the proposed dwelling will not result in harm to the residential amenity of 16 Taney Road as the windows proposed are either secondary or obscure glazed'*.
- The residential and visual amenities of the area will be protected by way of the following design considerations:
 - There are no windows within the eastern elevation at upper ground floor level that could potentially overlook the rear garden of Nos. 59 & 61 Taney Rise. In this instance, a reduced separation between the rear gable wall of No. 61 Taney Rise and the subject site boundary is considered acceptable.
 - There are no windows within the western elevation at upper ground floor level that could potentially overlook the rear garden of 'Ard Aoibhinn', No. 16 Taney Road. Side windows within this elevation will be glazed in obscure glass at the upper floor level as necessary to reduce any potential overlooking and / or loss of privacy.
 - The proposed dwelling will be set into the site to reduce its overall height and will be significantly lower than the ridge height of adjoining dwellings by c. 4m.
 - The nature and shape of the site is closely connected with the internal layout and composition of the proposed dwelling with the design utilising the site's natural features. In the subject instance, the scale and height of the proposal has been vastly minimised to that of the adjoining dwellings with the result that it will not have an overbearing impact on adjacent properties.
 - The roof profile is flat and will comprise a green roof to assimilate the proposed dwelling into the surrounding sylvan setting.

- The front elevation will be almost imperceptible from street level and thus will have a minimal visual impact when viewed from Taney Road.
 - The design and form are contemporary, simple, and suitable for this type of infill development. The materials and finishes, such as rough cast concrete, hardwood timber fins and rust red corten steel, complement those of the neighbouring dwellings along Taney Rise and Taney Road.
 - The surrounding sites provide good tree and vegetative cover. All trees outside the site boundary line will be retained and will not be disrupted as part of the development. The amenity and screening provided by these trees will assist in maintaining a high level of residential and visual amenity to adjacent properties.
- The proposal has carefully considered the residential and visual amenities of the area and proposes an attractive yet modest infill development on an incidental and redundant piece of land.
 - The Board is referred to Policy RES4: *‘Existing Housing Stock’* of the County Development Plan which states the following:

‘It is Council policy to improve and conserve the 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.

Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.’

It is submitted the Planning Authority’s reasons for refusal contradict the policies of the County Development Plan.

- Having regard to the measures taken to avoid any loss of amenity to adjoining properties, the assertion that the proposal will result in the devaluation of property is rejected.

- The proposed development will not endanger public safety by reason of traffic hazard. In this respect it should be noted that the existing entrance formerly served as the entry and exit to Taney Nurseries to the north of the site which operated without any negative impact on traffic safety along Taney Road. Moreover, the subject proposal will only serve one car whereas multiple vehicles would have entered / exited the aforementioned commercial premises on a daily basis.
- Contrary to the Planning Authority's assertion that vehicles will be required to reverse from the site onto the public footpath / Taney Road, the use of a rotating parking platform will mitigate the need for any such manoeuvres. There is also the potential for a single car to reverse into the parking space on site.
- The suggestion that a possible pedestrian connection could be made from the former Taney Nurseries site to Taney Road via the subject site cannot be achieved as the application site is in separate ownership from the lands to the north. In addition, the relevant landowner does not consent to the provision of any such pedestrian route through their lands.
- The proposed development is not contrary to the proper planning and sustainable development of the area as it accords with all the relevant qualitative and quantitative standards.
- Notwithstanding the arguments set out in the grounds of appeal, the Board is referred to the accompanying revised drawings should it consider that the principle of the proposal is acceptable but that the specific design needs to be amended by way of condition. These revisions include the following amendments:
 - Reconfiguration of the stair core descending to the kitchen area.
 - Removal of the living room at upper ground floor level resulting in a green roof above the lower ground level. A lounge area at the entrance to the upper ground floor level will remain and the combined living / dining / kitchen area at lower ground floor will be reconfigured.

- Removal of the bedroom at lower ground floor level resulting in a 2-bedroom dwelling.
- Associated reduction in the building footprint resulting from the loss of rooms.
- Associated reduction in the scale and height of the proposal arising from the loss of rooms. Reduction in the total gross floor area from c. 217m² to 169m².
- Associated elevational changes.

6.2. Planning Authority's Response

- With regard to the amended plans submitted with the grounds of appeal which have sought to address the overall scale of the proposed dwelling by reducing the floor area and the number of bedrooms, whilst the reduction in the depth of the upper floor level is welcomed, it is not considered that the proposed revisions are sufficient to overcome the reasons for refusal.
- There are continuing concerns with regard to the proposed parking arrangements.

6.3. Observations

6.3.1. Ciaran & Mary Rowsome:

- The proposed development involves the construction of a continuous building immediately alongside the majority of the observers' rear garden area.
- Views of this awkwardly-shaped, two-storey building, and several of its windows, will be available from within the observers' kitchen and patio area.
- Windows within the proposed dwelling house will overlook the observers' neighbouring back garden, patio, and kitchen / dining areas.
- Two of the second-floor windows within the proposed dwelling will directly overlook the observers' patio and garden whilst another window will look into their kitchen area. In this regard it is submitted that whilst it is proposed to install opaque windows within the initial build, there are concerns that this will

not prevent future occupants from subsequently installing clear glazed replacement windows.

- The siting of the proposed dwelling on an extremely narrow site gives rise to concerns as regards its servicing into the future.
- There is an absence of visitor parking on site which could potentially give rise to a traffic hazard and / or the blocking of the observers' private access.
- The presence of continuous yellow lines along the roadway to the front of the site will give rise to difficulties as regards any deliveries to the property and could result in the endangerment of traffic safety in the event a vehicle were to stop. For example, a truck entering the site would be forced to reverse onto the public road. In addition, there is a blind bend on the uphill approach to the site entrance which could be hazardous for large vehicles stopping at that location.
- The size of the application site is smaller than has been represented in the submitted documentation and is unsuitable for the construction of a dwelling house.
- Given that the site in question has historically been used as a laneway for a significant period of time, it is considered that the subject proposal constitutes an inappropriate land use.
- Having regard to the very narrow nature of the application site, it is considered that the overall design of the proposed dwelling house is awkward and visually bizarre given its intended use as a residential property.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is broadly characterised by conventional housing construction. Moreover, the site is located within walking distance of significant public transportation infrastructure, such as the Luas and Dublin Bus services, whilst it is also within a comparatively short distance of Dundrum historic village centre and the (relatively) new Dundrum Shopping Centre as well as local schools, places of worship, places of employment and other amenities. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

- 7.2.2. Therefore, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.
- 7.2.3. With regard to the report of the Transportation Planning Division of the Local Authority which states that it was previously envisaged in the assessment of PA Ref. Nos. D17A/0513 & D13A/0490 (ABP Ref. No. PL06D.242786) that the subject lands could be utilised as a pedestrian / cycle link between the proposed residential redevelopment of the former Taney Nurseries site and Taney Road, I would advise the Board that the housing development approved under those proposals is presently under construction and makes no provision for any such link. Furthermore, the approved layout of the aforementioned scheme is not conducive to the future provision of any such pedestrian / cycle link. In addition, it should also be noted that the subject lands are no longer in the same ownership as the remainder of the former Taney Nurseries site. Accordingly, the proposed development site effectively amounts to a self-contained plot of land and thus any opportunity to utilise it as a link through to the adjacent housing under construction would appear to have expired unless there is a change in circumstances within that scheme.

7.3. **Overall Design and Layout:**

- 7.3.1. With regard to the overall design of the proposed dwelling house, whilst I would acknowledge that the submitted proposal is somewhat more contemporary in appearance than the prevailing pattern of development, having regard to the site context, with particular reference to the screening offered by neighbouring properties, and as the proposed development will not be overtly visible from the public road or in a wider context, it is my opinion that the submitted design will not unduly detract from the visual amenity or established character of the surrounding area, including the Sydenham Road Architectural Conservation Area which extends southwards from the opposite side of Taney Road.
- 7.3.2. The principle concerns with regard to the specific design of the proposed dwelling house derive from the narrow and elongated nature of the site and the applicant's desire to maximise the space available whilst providing for an internal room

arrangement / configuration which achieves a reasonable level of amenity. In this respect it is proposed to build the new construction immediately alongside the site boundary shared with the neighbouring properties at Nos. 59 & 61 Taney Rise with the result that it will effectively serve to define the division between the respective sites. Moreover, due to the variation in the site topography and the change in ground levels between the application site and the neighbouring properties, the eastern elevation of the proposed dwelling will project to varying heights above the ground level of the adjacent rear garden areas along the full extent of the shared site boundary. It is this aspect of the proposal which gives rise to concern, particularly as the more northerly extent of the new construction will extend to in excess of 3m over the adjacent garden level. Whilst I would concede that there is a considerable variation in the building height relative to the garden areas of Nos. 59 & 61 Taney Rise along the length of the eastern site boundary, and although efforts have been made to set back the upper level of accommodation from the boundary line (with the exception of the proposed stair cores), I am inclined to agree with the Planning Authority that, notwithstanding any provision which would allow for the erection of a rear boundary wall to a typical height of 2m, the overall height and extent of the new construction alongside the shared site boundary, when taken in combination with the proximity and alignment of the neighbouring housing within Taney Rise (including the depth of the adjacent garden area and its limited level of amenity), would have an unacceptably visually overbearing influence on the adjacent property.

- 7.3.3. Therefore, I am of the opinion that the proposed development, by reason of its overall scale, design and height would detrimentally impact on the residential amenity of adjoining property.

N.B. Whilst the amended proposals provided with the grounds of appeal will serve to reduce the overall impact of the new construction on adjacent properties, I would suggest that these revisions are inadequate to address the overlaying concerns.

7.4. **Impact on Residential Amenity:**

- 7.4.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, whilst I would acknowledge that the infill nature of the proposed development has the potential to

give rise to overlooking with a consequential loss of residential amenity, having regard to the site context within a built-up urban area and the surrounding pattern of development, I am inclined to suggest that the overall scale, design, positioning and orientation of the proposed dwelling house has taken sufficient cognisance of the need to preserve the residential amenity of neighbouring housing and will not give rise to any significant detrimental impact on same by reason of overlooking.

7.4.2. In support of the foregoing, I would draw the Board's attention to the sloping nature of the site, the difference in ground and finished floor levels relative to adjacent properties, the use of rooflights to provide lighting to the lower ground floor accommodation, the positioning and orientation of the upper floor fenestration relative to neighbouring properties, and the extensive use of obscure glazing as detailed on the submitted drawings. Whilst I would have some reservations as regards the proximity of the fenestration serving the upper floor lounge area relative to the side garden area of No. 61 Taney Rise (given that this space presently enjoys a reasonable degree of privacy due to the existing vegetative cover to same), I would suggest that these concerns could be addressed through the provision of suitable screening (or perhaps through the use of obscure glazing) as a condition of any grant of permission.

7.5. **Traffic Implications:**

7.5.1. At present, the proposed development site can only be accessed via an existing entrance arrangement onto Taney Road which was previously used as the sole vehicular access to those lands to the immediate north which were formerly occupied by Taney Nurseries. Accordingly, it has been suggested that in assessing the traffic impact of the proposed development, cognisance should be taken of the historical usage of the entrance in question, particularly as the subject proposal will give rise to fewer traffic turning movements and less overall traffic volumes.

7.5.2. On balance, whilst I am amenable to the case put forward by the applicant that the development of a single dwelling house on this site will result in less traffic movements etc. at the existing entrance than were likely associated with the previous use of the wider property as a commercial (tree / plant) nursery, I would advise the Board that it is my understanding that the subject entrance has not been in use for a considerable period of time since the closure of the aforementioned

business. Nevertheless, it is apparent that the key issue with regard to any use of the existing entrance by the proposed dwelling house relates to the ability of traffic to turn on site thereby avoiding any instances of vehicles having to reverse either onto the public road or into the application site. In this respect I would surmise that traffic associated with the previous nursery business was able to turn on site thereby avoiding any unnecessary reversing manoeuvres to / from the main carriageway.

- 7.5.3. Given the limited visibility available at the existing entrance onto Taney Road (particularly to the west on exiting the site) and the likely traffic speeds and volumes along this regional roadway, it is clearly desirable to minimise the potential for conflicting traffic movements at the proposed entrance arrangement and thus the applicant has sought to address same by submitting proposals to install a rotating parking platform (4m in diameter) as part of the proposed development whereby vehicles may be turned within the site confines thereby negating any requirement for reversing manoeuvres to or from the public road.
- 7.5.4. Whilst I would acknowledge the concerns of the Planning Authority as regards the proposed rotating parking platform and the possible precedent which could be set by same, and although I would also have some reservations as regards the feasibility of such a proposal given the restricted nature of the site, I would not preclude the consideration of same. However, I would suggest that further details would be required as regards the actual design and fitting etc. of the proposed platform, including the extent / footprint required to accommodate the entirety of the mechanism and any noise levels which may arise from the operation of same.
- 7.5.5. With regard to car parking, I would draw the Board's attention to Table 8.2.3: *'Residential Land Use - Car Parking Standards'* of the Development Plan which states that 2 No. parking spaces will be required for a 3-bedroom dwelling house, although some degree of flexibility as regards this 'standard' provision would appear to be available *'depending on design and location'*. The subject proposal only provides for 1 No. parking space on site (i.e. within the proposed parking platform) despite the proposed dwelling house, as initially submitted to the Planning Authority, having a total of 3 No. bedrooms, however, given the restricted nature of the application site, its proximity to local services / amenities, and its location alongside a *'Proposed Quality Bus-Bus Priority Route'* (as detailed in the Development Plan though not included in the recently announced Core Bus Corridors Project, June,

2018), I would be amenable to a reduction to 1 No. on site parking space in this instance.

(*N.B.* The amended design proposals submitted with the grounds of appeal only provide for a 2-bedroom dwelling house and thus the provision of 1 No. parking space to serve same would accord with the parking standards set out in the Development Plan i.e. 1 No. space per 2-bed unit).

7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.7. **Environmental Impact Assessment (Screening):**

- 7.7.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Having regard to the restricted nature of the site and the pattern of development in the area, it is considered that the proposed development, by reason of its overall scale, design, height and positioning on site relative to the

adjoining properties at Nos. 59 & 61 Taney Rise, would constitute an overbearing form of development which would seriously injure the residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

26th November, 2018