



An  
Bord  
Pleanála

## Inspector's Report ABP-302657-18

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<b>Development</b>	House, off-street parking, and all associated site works.
<b>Location</b>	Site C, to south of 24 Glenpark Close, Palmerstown, Dublin 20.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0245
<b>Applicant(s)</b>	Sorin Grigor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sorin Grigor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2018
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.03745ha, is located on the northern fringe of the Glenpark housing estate in the suburb of Palmerstown, west Dublin. The site is currently in use as a builder's yard – the entire of which is hard-surfaced. The level of the site falls gently from west to east. There is a large, flat-roofed garage in the eastern extremity of the site. A new, two-storey, detached house is nearing completion within the side garden of no. 24 Glenpark Close. Access to the site is from the head of the cul de sac, via 2.0m high timber gates.
- 1.2. The northern boundary abuts the N4/M50 access ramp from the R148 (formerly N4) – the boundary with which is a 1.3-2.5m high concrete block wall. Outside of this wall (at a set-back of approximately 1.2m), is a 3.0m high timber sound barrier. On the site side of the aforementioned wall, there is a row of mature evergreen trees which have been severely pruned at lower level. The level of the site is above the level of the access ramp – the intervening area containing semi-mature screen planting which screens the site from view from this road. To the east and south, the site abuts the rear gardens of two-storey houses in The Coppice – the boundary with which is an unplastered, concrete block wall – up to 3.0m in height. To the southwest, the site abuts Site B (on which permission has been granted for a two-storey, detached house) – the boundary with which is undefined – there being no construction work commenced on this site.
- 1.3. Traffic noise from the M50 and R148 is clearly audible on the site, and is also clearly audible on the Glenpark Drive and Glenpark Close, approaching the site. The M50 and R148 are completely screened from view from the site.

## 2.0 Proposed Development

- 2.1. Permission sought on 10<sup>th</sup> July 2018, for a single-storey house in the rear garden of a two-storey, semi-detached house (no. 24 Glenpark Close) located at the head of a cul de sac. Permission had previously been granted for the construction of two detached, two-storey houses within the curtilage of no. 24. It is proposed to connect to the existing public watermain at the head of the cul de sac. It is proposed to

connect to an existing public foul sewer which traverses the western portion of the curtilage of no. 24. It is proposed to connect to an existing public surface water sewer at the head of the cul de sac.

2.2. The application is accompanied by a road Traffic Noise Assessment – undated.

### 3.0 **Planning Authority Decision**

By Order dated 31<sup>st</sup> August 2018, South Dublin County Council issued a Notification of decision to refuse planning permission for three reasons, which can be summarised as follows-

1. Absence of turning area for cars within the site would result in traffic movements which would constitute a hazard. Vehicular access would impact negatively on parking and access to House B, which would endanger public safety by reason of traffic hazard.
2. Cramped backland site would constitute over-development, which would be detrimental to the residential amenities of the area.
3. Undesirable precedent.

### 4.0 **Planning History**

**SD14A/0282:** Permission granted for demolition of single-storey structures previously used for childcare, construction of 2 no. two-storey, semi-detached dwellings in side garden of no. 24 Glenpark Close. This permission was never taken up.

**SD16A/0077:** Permission refused for construction of 3 no. two-storey, terraced dwellings in side garden of no. 24 Glenpark Close.

**SD16A/0432:** Permission granted for construction of two-storey, detached, dwelling (Site A) in side garden of no. 24 Glenpark Close. This dwelling is nearing completion.

**SD16A/0433:** Permission granted for construction of two-storey, detached, dwelling (Site B) in side garden of no. 24 Glenpark Close. Construction on this house has not been commenced.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022. The site is zoned 'RES' – "To protect and/or improve Residential Amenity".

### 5.2. Natural Heritage Designations

There are no nature designations either within or immediately abutting the appeal site. The closest such are those within Dublin Bay.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The appeal from BG Architectural Services, agent on behalf of the applicant, Sorin Grigor, received by An Bord Pleanála on 27<sup>th</sup> September 2018, can be summarised in bullet point format as follows-

- The development will integrate into the local environment.
- The reasons for refusal could have been addressed by way of additional information submission.
- Pre-planning discussions and arrangements with SDCC were not satisfactory.
- The single-storey design was in response to the position of the house to the rear of the two-storey house on Site B.
- Off-street parking has been provided to the front of the house.
- External finishes will match the external finishes of the two new approved dwellings.
- The M50 slip road is approximately 3.3m below the level of the house. The edge of the carriageway is approximately 9.0m from the outside face of the outer acoustic wall. This wall is 2.6m high along the ground floor level of the house and comprises 150mm wide twin skin timber construction. There are trees between the acoustic wall and the edge of the carriageway.

- The south wall of the house will not have any windows and will be of an acoustic resistant arrangement.
- Revised parking arrangements for houses A & B will allow for provision of parking spaces for all three houses and will allow for turning within the site.
- The parking requirement for this house is 1.5 spaces – as per the Development Plan standards.
- There are two outside boundary walls. The proposed house is 215mm from the block boundary wall and there is a further 1,500mm between this wall and the acoustic wall. The acoustic wall is 9.0m from the edge of the carriageway.
- The house will be in line with the stepping back from no. 24 of sites A & B.
- The development complies with Development Plan standards, and will not set an undesirable precedent.

6.1.2. The appeal is accompanied by a revised car-parking layout for all three houses – Sites A, B & C.

## 6.2. **Planning Authority Response**

The response of SDCC, received by An Bord Pleanála on 8<sup>th</sup> October 2018, can be summarised in bullet point format as follows-

- The site is zoned to protect and/or improve Residential Amenity.
- There is a planning history on this site for two detached houses.
- Neither option 1 nor option 2 would be acceptable on this restricted, backland site.
- The site is located close to the motorway and there would be noise barrier concerns for future residents.

## 6.3. **Observations**

None received.

## 7.0 Assessment

The principal issues of this appeal relate to residential amenity (and in particular, noise), vehicular access, and parking.

### 7.1. Development Plan Considerations

The site is zoned for residential use in the current Plan. I would see no difficulty with the proposed development on zoning grounds.

### 7.2. Layout & Design

- 7.2.1. The site forms part of what was once the back-garden curtilage of no. 24 Glenpark Close. The site currently forms part of a builder's yard, within which a two-storey house on Site A is nearing completion. The site immediately abuts an on-ramp to the N4/M50 from the R148 (formerly N4). The site is screened from this road by a belt of deciduous planting within the road margin. There is also a 3.0m high timber noise barrier, inside which is a concrete-block wall, which varies in height between 1.3m and 2.5m. Inside this wall again, there is a single row of mature coniferous trees which have been severely pruned. Some of these trees would have to be felled to facilitate the construction of the new house. They are not indicated on drawings submitted with the application – so it is not possible to know if they are to be retained or not. There is a large flat-roofed garage at the eastern extremity of the house. Drawings submitted indicate that this garage is to be retained.
- 7.2.2. The proposed single-storey house will not result in any overlooking of adjoining rear gardens – there being high walls on the boundaries. The 79m<sup>2</sup> house is a small one – providing two single bedrooms. The external finishes proposed are brick and render external finish, with concrete roof tiles on the fully hipped roof. The external finishes are said to match the external finishes of the two permitted houses within the curtilage of no. 24 Glenpark Close – one of which is nearing completion.

### 7.3. Access & Parking

- 7.3.1. The site is located to the rear of no. 24 Glenpark Close – itself located at the head of a cul de sac. Permission has been granted for two further houses with shared

access from the head of this same cul de sac. One of these houses is nearing completion. The original application made provision for one on-site parking space. The Development Plan standard requires 1.5 parking spaces for a two-bedroom house. The original parking arrangement would have necessitated a very long reversing manoeuvre to either enter or leave the site (from the head of the cul de sac). The PA refused planning permission for this reason. The 1<sup>st</sup> Party appellant argues that this matter could have been sorted out by way of a request for additional information. The appeal includes a revised layout for the forecourt of the two permitted houses and the current appeal proposal, within the side garden curtilage of no. 24 Glenpark Close. This provides for two parking spaces for all three houses and two additional visitor parking spaces. The layout allows for turning area within the forecourt of all three houses. The closest parking space for the new house is located 23m from the front door, whilst the second space is located 35m from the front door. This is a less than ideal arrangement. However, parking will be confined to private curtilage within the wider 24 Glenpark Close site, and is not likely to spill out onto the head of the cul de sac. The fact that the house on Site A is not yet completed will allow for the re-ordering of the car-parking serving all three houses, without interfering with the established arrangement; if the house on Site A was occupied. The monitoring and policing of the layout will be up to the occupants of the three houses concerned. I would be satisfied that the revised layout is acceptable in terms of traffic safety and convenience, and would not result in obstruction of road users.

- 7.3.2. The Roads Department of SDCC recommended refusal of planning permission due to on-site parking restrictions and difficulty in manoeuvring vehicles into and out of the site.

#### 7.4. **Noise**

- 7.4.1. The application was accompanied by a Road Traffic Noise Assessment. The site is located immediately adjacent to the on-ramp to the M50/N4 off the R148 (former N4). Survey work was stated to be carried out in May 2015 – at a location within the curtilage of no. 24 Glenpark Close – some 23m from the noise barrier. I note that this location would more closely correspond to the position of House A, than to proposed House C. The applicant states that the level of the road is 3.3m below the

level of the site, and that the intervening embankment (which contains semi-mature screen planting) will serve to mitigate, to some degree, noise from road traffic. The report states that enhanced glazing will be required on the house, to protect the amenity of future residents. The performance specification for such glazing has been indicated within the report. Also required will be an acoustically attenuated ventilation system. There are no windows within the façade of the house which directly addresses the road network to the north. Plans submitted indicate that the house is set back 1.4m from the site boundary with the road. However, the appeal documentation states that the separation is 0.9m.

- 7.4.2. The appeal documentation states that there is an acoustic wall along the roadside boundary of the site – 2.6m high. However, this structure is not a wall, but rather a timber fence – 150mm thick (comprising twin timber skins). The acoustic barrier is 3.0m tall, and is constructed outside of the existing concrete block boundary wall of the site – separated from it by a distance of approximately 1.2m (i.e. within the road curtilage).
- 7.4.3. The Environmental Health Officer for SDCC had no objection to the proposal, on condition that the house be designed to include minimum glazing performance parameters for all habitable rooms as determined by suitable mitigation measures outlined in the Road Traffic Noise Assessment Report submitted with the application – 10/12/4 glazing specification. Transport Infrastructure Ireland observed the proximity of the house to a national road, and stated- “The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning”. The Roads Department of SDCC had concerns in relation to proximity of the N4, and stated that noise modelling would be required.
- 7.4.4. On the date of site inspection, the noise from the M50/R148 was evident on the approach roads to this site. The noise is in the nature of a background hum. I would consider that the noise regime at Site C could not be terribly different from the noise regime at Sites A or B, where planning permission has been granted for residential units. I note the comment of TII, but would consider that permission could be granted, providing a condition was attached relating to noise mitigation measures to be incorporated in the house construction. In the event of damage to the existing



noise barrier, it would be desirable, as a precaution, that the existing concrete block boundary wall be raised in height to eaves level, along the entire northern boundary of the site. This could be done by way of condition attached to any grant of planning permission.

## 7.5. **Water**

### 7.5.1. Water Supply

It is proposed to connect to the existing public watermain at the head of the cul de sac. Irish Water had no objection to the proposal.

### 7.5.2. Foul Effluent

It is proposed to connect to an existing public foul sewer which traverses the western portion of the curtilage of no. 24. There is a manhole within the wider curtilage of no. 24. Irish Water had no objection to the proposal.

### 7.5.3. Surface Water

The site is not liable to flooding – located at some height above the adjoining M40/R148 on-ramp. It is proposed to connect to an existing public surface water sewer at the head of the cul de sac. There does not appear to be any proposal for on-site attenuation and treatment in accordance with SUDS – notwithstanding that the drainage drawings indicates ‘Proposed Surface water to soak pit 100mm dia. uPvc’. The Water Services Section of SDCC had no objection, but required provision of water butts as part of SuDS system. A condition should be attached to any grant of planning permission requiring construction of a soakway in accordance with the requirements of SuDS.

## 7.6. **Other Issues**

### 7.6.1. Development Contribution

As permission was refused, there is no indication given of the level of development contribution which would apply to this development. If the Board is minded to grant permission, then a condition should be attached requiring payment of a development contribution in accordance with the Development Contribution Scheme in place for the County.

#### 7.6.2. Numbering

A condition should be attached in relation to numbering of this house. I note that the two houses permitted within the curtilage of no. 24 Glenpark Close are numbered 24A & 24B.

#### 7.6.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

#### 7.6.4. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

### 8.0 **Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

### 9.0 **Reasons and Considerations**

Having regard to the zoning of the site for residential development, the planning history of the wider site of no. 24 Glenpark Close, to the revised car-parking layout submitted to An Bord Pleanála, and the mitigation measures put forward to deal with traffic noise; it is considered that the proposed development would not be detrimental to the residential amenities of future occupants and of the area, would not be prejudicial to public health, would be in accordance

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> day of September 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 first occupation of the dwelling-house, and the development shall be completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Car-parking arrangements for the proposed house, and for the permitted houses at Sites A & B (within the former side garden curtilage of no. 24 Glenpark Close), shall be in accordance with drg. no. GAL-200, received by An Bord Pleanála on the 27<sup>th</sup> day of September 2018.

**Reason:** In the interest of clarity, traffic safety, orderly development and the proper planning and sustainable development of the area.

3. The internal noise levels, when measured at any windows of the proposed house, shall not exceed:

(a) 35dB(A) $L_{Aeq}$  during the period 07.00-23.00 hours, and

(b) 30dB(A) $L_{Aeq}$  at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to the planning authority, and agreement in writing obtained, prior to commencement of development. These agreed measures shall be implemented before the proposed dwelling is made available for occupation.

**Reason:** In the interest of public health and residential amenity.

4. A 1.8m high wall, capped and plastered on both sides, shall be erected along the full length of the boundary with House B.

**Reason:** In order to preserve the residential amenities of the future

occupants of both House B and House C.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, on-site surface water attenuation provisions shall be installed, to the standard of the Sustainable Drainage System standards (SuDS). Revised proposals, to comply with this requirement, shall be submitted to the planning authority, and written agreement obtained, for such necessary works, prior to first occupation of the dwelling-house.

**Reason:** In the interest of public health and to avoid flooding.

6. 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.

7. The existing garage within the curtilage of the site shall only be used for purposes incidental to the enjoyment of the dwelling house on Site C, and shall not be used for any commercial purpose whatever; save with a prior grant of planning permission.

**Reason:** In the interest of the residential amenities of future occupants of the house, and the amenities of those residents whose rear gardens abut the site.

8. A numbering system shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of orderly development.

9. The existing wall along the entire length of the northern boundary of the site, (approximately 40m in length), shall be raised in height, so that it equals the finished eaves height of the proposed house on Site C.

**Reason:** To provide additional noise screening for future occupants, in the interest of residential amenity and public health.

10. The external finishes of the proposed house (walls and roof), shall match

the external finishes of House A within the former curtilage of no. 24 Glenpark Close.

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

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 first occupation of the house, 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 the Board 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.

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**Michael Dillon,  
Planning Inspectorate**

**30<sup>th</sup> November 2018.**