



An  
Bord  
Pleanála

## Inspector's Report ABP 303225-18

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<b>Development</b>	Erection of a house in side garden
<b>Location</b>	34 Chestnut Grove, Kingswood, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0347
<b>Applicant(s)</b>	Nuala Courtney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Nuala Courtney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> February 2019
<b>Inspector</b>	Irené McCormack

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## **1.0 Site Location and Description**

1.1. The site, with a stated area of 0.03639ha, comprises the side garden of no. 34 Chestnut Grove, Kingswood, Tallaght, Dublin 24. No. 34 is a two-storey semi-detached house, with fully hipped, brown tile roof. The front elevation of the house has brick at ground floor level and painted plaster at first floor level. Access to no. 34 Chestnut Grove is from Ballymount Road. The front garden boundary wall is 0.75m high. The rear garden boundary wall is 2.2-2.4m in height; and is capped and dashed. The area is provided with footpaths and grass margins. St. Killian's National School is located opposite the site.

## **2.0 Proposed Development**

2.1. This appeal relates to the construction of a two-storey, three-bedroom, detached house of 97.7m<sup>2</sup>, with fully hipped roof. Provision is made for two car-parking spaces to the rear of the site, with access from Chestnut Grove. A separate pedestrian access to the front door is to be provided from Ballymount Road. Works also include the relocation and widening of the existing entrance serving no. 34 Chestnut Grove to provide for two on-site car parking spaces for no. 34. It is proposed to connect to the existing public watermain and foul sewer. Surface water is to be discharged to a combined system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for four reasons which were based on the following elements:

- Traffic Hazard – due to the proximity of the entrance to the school crossing point, which would result in a hazard to pedestrian safety.
- The relocation of the vehicular entrance would create an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

- Quantum of private open space falls short of the minimum private open space requirements as set out in the South Dublin County Development Plan 2016-2022.
- Insufficient details lodged with respect to surface water disposal.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officer's report notes the zoning provisions of the area and that the principle of the proposed residential development is acceptable. In relation to design, private open space provision, access, parking and surface water the report notes the following:

- The overall design approach was considered acceptable.
- The quantum of private open space for the existing dwelling does not comply with Housing Policy 13 and Section 11.3.1 and Table 11.20 of the South Dublin County Development Plan 2016-2022.
- Report from the Roads Department noted in which it was identified that the relocation of the vehicular access closer to the crossing point to St. Killian's National School would result in a hazard to pedestrian safety.
- Report from the Water Services Department noted in which additional information was requested in relation to surface water disposal, to include percolation tests and drawings.

### 3.2.2. Other Technical Reports:

- The **Roads Department** in their report of 23<sup>rd</sup> October 2018 refer to previously refused permission on the site – planning reference SD 18A/0103. The report recommends refusal due to the relocation of the vehicular access which will result in a hazard for pedestrians using the established school warden crossing point.
- The **Water Services Department** in their report of 30<sup>th</sup> October 2018 requested further information in terms of surface water disposal on site.

- **Irish Water** in their report of 31<sup>st</sup> October 2018 establish no objection to the principle of the development subject to compliance with standard Irish Water requirement including the complete separation of foul and surface water systems within the site of the proposed development

## 4.0 Planning History

### 4.1. Site

SDCC Ref. 18A/0103 - Planning permission refused for a similar development citing four similar reason for refusal.

### 4.2. Surrounding

ABP-302093-18 (SDCC Ref. SD18A/0147) – Planning permission granted for the erection of a house in the side garden of no. 1 Ashfield Close, Ballymount Lane, Kingswood, Dublin 24.

## 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.

Relevant policies and standards of the South Dublin County Development Plan 2016-2022 include:

- Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites
- Policy H17: Residential Consolidation
- Section 8.4.0 Sustainable Urban Drainage Systems
- Section 11.3.2(ii) of the Plan deals with houses on corner/side garden sites
- Section 11.3.1 (iv) Dwelling standards states that, "*development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in Table 11.20. Open space should be located*

*behind the front building line of the house and be designed to provide for adequate private amenity”.*

- Objective IE2 Objective 5 which seeks “to limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks”. This is reinforced in section 11.6.1 (ii) Surface Water and section 11.6.1 (iii) Sustainable Urban Drainage Systems.

## 5.2. National Policy and Guidelines

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)
- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007). Section 4.3.5 *Private Space* states that: -

*Provision for private open space should take account of the requirements of the Development Plan for the area.....Rear gardens and similar private areas should be screened from public areas, e.g., by the appropriate location of the main building structure or outbuildings and by the provision of screen walls or fences, as necessary. Rear gardens should not back onto roads or public open spaces. ...Boundaries to rear gardens should be robust and provide an adequate level of security and privacy.*

## 6.0 Natural Heritage Designations

There are no natural heritage designations within the vicinity of the site.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The principle grounds of appeal can be summarised as follows:

- The proposal is to widen the existing entrance and not to relocate the entrance as is set out in the Planning Authorities assessment.

- The submission sets out that the hatched yellow box area is not a pedestrian crossing for the school, it is a hatched yellow box to stop cars parking outside the school.
- The development is in compliance with the minimum requirements for private open space provision.
- The proposal to connect to the existing surface water drainage system is appropriate as the connection to this system is accessible and would require little disturbance to the existing pipework.
- An accompanying letter was submitted from the applicant's son on her behalf setting out that there are numerous examples of similar type development in the Tallaght area.

## 7.2. Planning Authority Response

The response of South Dublin County Council, received by An Bord Pleanála on 17<sup>th</sup> January, 2019, indicated that there was no further comment to make.

## 8.0 Assessment

### 8.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment and environmental impact assessment screening also need to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Design and Layout
- Traffic and Pedestrian Safety
- Surface Water Disposal
- Environmental Impact Assessment - Preliminary Examination
- Appropriate Assessment

8.1.1. The site is zoned 'RES' – To protect and/or improve Residential Amenity. Residential is a permissible use within this zoning category. As such the proposal is acceptable in principle, subject to the detailed considerations below.

## 8.2. Design and Layout

- 8.2.1. Section 11.3.2(ii) of the South Dublin County Development Plan 2016-2022 deals with the issues of corner/side gardens – allowing for houses where sites are of sufficient size and where building lines are maintained, character of the area is respected and requiring provision of dual frontage on the corner site. The design of the proposed dwelling reflects the general character of the area in terms of scale and mass and is a dual aspect design addressing both Chestnut Grove and Ballymount Road. The building line reflects that of no. 34, however, I note the building line along Ballymount Road is staggered in line with the alignment of the Road. I consider the principle of the development is in line with this Section of the Development Plan.
- 8.2.2. The Planning Authority's decision to refuse permission for the proposed development was partially based on the inadequate and substandard provision of private amenity space for the existing dwelling. In appealing the decision, the grounds of appeal assert that the development is in compliance with the required standards. The minimum requirement for private open space provision as set out in table 11.20 of the South Dublin County Development Plan 2016 -2022 is 60sqm. A similar quantum of rear garden space would be required for the existing house.
- 8.2.3. Private open space for no. 34 Chestnut Drive is provided to the rear through the subdivision of the existing rear garden of no. 34 Chestnut Grove. Private open space for no. 34 is stated as 48sqm to the rear with an additional 15sqm of front garden. I am satisfied that adequate private open space has been provided to accommodate no. 34 Chestnut Grove.
- 8.2.4. The private open space for the proposed dwelling is provided to the side and rear of the site and is 64.5sqm. This is in accordance with the minimum requirement of 60sqm. The rear of the site will accommodate on-site car parking also. There is a low boundary wall between the garden area and the public footpath and whilst, I considered that the private open space proposed by the appellant reflects a reduced qualitative standard of privacy for the future residents of the proposed house, I note



that it may be possible to raise a portion of the roadside boundary wall to provide an appropriate level of screening. This would reasonably address the provision of adequate qualitative and quantum of private open space for the proposed dwelling.

- 8.2.5. In conclusion, I consider that adequate provision of private open space can be provided on site to accommodate both no. 34 Chestnut Grove and the proposed dwelling.

### **8.3. Traffic and Pedestrian Safety**

- 8.3.1. Kingswood is a long-established residential estate mainly consisting of dwellings within a uniform suburban layout with defined boundary walls and standard domestic vehicular access. The layout provides for the modification of the existing entrance serving no. 34 Chestnut Grove by widening the opening to accommodate two parallel car parking spaces on the site. The works essentially provide for the repositioning the vehicle entrance from the front side of the site to the front of the dwelling. The new opening is 5.760m wide.
- 8.3.2. The Planning Authority consider the works associated with the widening and repositioning of the entrance closer to the crossing point to St. Killian's National School would result in a hazard for pedestrian safety. The crossing is identified as a yellow box on the ground with dished footpath and is located fronting the south-eastern corner of no. 34 Chestnut Drive. St. Killian's National School is located opposite the site. The appellant contends that the existing yellow box is not a pedestrian crossing for the school but that it is a hatched yellow box to stop cars parking outside the school. In this regard, I note that on the appellants drawings the hatched area is labelled as 'existing school crossing'. The crossing is off-set from the school entrance and therefore not a yellow box junction for the purposes of preventing vehicles parking in front of the school gate. Furthermore, I note the Roads Department in their report of 23<sup>rd</sup> October 2018 refer to the crossing as an established school warden crossing point. I am satisfied that the hatched area is a pedestrian crossing and I can also confirm that this is one of two yellow boxed hatched crossings serving the school as a second one is located to the front of the school on Sylvan Drive to the north-east of the site, both were in active use on the

day of my site inspection. In my view this is an established pedestrian crossing in active use and not a hatched area to prevent cars parking outside the school.

- 8.3.3. To facilitate the revised vehicular entrance for no. 34 Chestnut Grove, it is proposed to remove a section of grass verge beyond the front boundary wall of the site thereby reducing the buffer between vehicular movements associated with the entrance and the pedestrian crossing. The relocated vehicular entrance will be located 0.5m from the pedestrian crossing point. The proximity of the entrance to the pedestrian crossing taken in conjunction with the proposal to provide for two parallel parking spaces on site where there is no buffer to segregate the vehicular movements from the pedestrian movements would represent a hazard to vulnerable roads users.
- 8.3.4. In conclusion, I consider that the vehicular movements associated with the entrance in close proximity to the pedestrian crossing will interfere with pedestrian safety and will represent a hazard for pedestrian movement. The proposed development should be refused for this reason.

#### **8.4. Surface Water Disposal**

- 8.4.1. Surface water is to be discharged to an existing surface water network. I note Irish Water and the Water Services Department of South Dublin County Council are not in favour of disposing additional surface water to the public system. Their preferred option is to dispose of surface water on site through the use of Sustainable Urban Drainage Systems (SUDS). This is reinforced in section 11.6.1 (ii) Surface Water and section 11.6.1 (iii) Sustainable Urban Drainage Systems of the Development Plan.
- 8.4.2. The appellant in their submission set out that the existing drainage pipe runs along the side of no. 34 and that the new connection will require little disturbance to the pipework. In this regard I do not consider the availability of access to the surface water network the issue but rather the increase in surface water to the public system. The appellant did not address disposing of surface water on site. However, I note the Water Services report of 30<sup>th</sup> October 2018 did not object to the development subject to details regarding the disposal of surface water on site. The potential to dispose of surface water on site has not been examined and taking cognisance of the report from the Water Services Department, it would appear that surface water disposal

can be accommodated on site subject to percolation tests and compliance with BRE Digest 365 standards for percolation and soakaways.

#### **8.5. Environmental Impact Assessment - Preliminary Examination**

Having regard to the minor nature of the proposed development and its location in a serviced suburban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **8.6. Appropriate Assessment**

Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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.

### **9.0 Recommendation**

I recommend that planning permission for the proposed development should be refused for the reasons and considerations, as set out below.

### **10.0 Reasons and Considerations**

1. Having regard to the proposed widening of the vehicular entrance serving no. 34 Chestnut Grove adjacent to a busy pedestrian crossing serving the adjoining St. Killian's National School, and where there would be an insufficient buffer to segregate the vehicular movements associated with the entrance from the established pedestrian movements associated with the

pedestrian crossing, it is considered that the proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Irené McCormack  
Planning Inspector

26<sup>th</sup> February 2019