



An
Bord
Pleanála

Inspector's Report ABP-303513-19

Development	Demolition of bungalow and construction of two three-storey blocks consisting of 14 apartments.
Location	Suncroft House, Ballymount Road, Ballymount, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0383
Applicant(s)	Derek McDonnell
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Derek McDonnell
Observer(s)	James Bermingham Brid Mc Manamon Anne and Noel McNally Derek and Deirdre Corcoran Cathal Mac Mahon Jim and Linda Doyle

Robert Nicholson
Brendan and Joan Carroll
James and Ciara Wright
Stephen and Sharon Jones
John Waters and Emma Gilbert
Deirdre Ryder and Others
Kingswood Heights Residents
Association
Sean Murray
C Fitzgerald
P Cooley
L and P White
Peter Lakes
W and G Lakes
A Skelly
A Davidson
C and P Dunne
O Newman
G and J Fitzgerald
L and J Gilligan
V and M O'Driscoll
B and E Shortall
J Bermingham
M Gallagher
H and S Keogh

Date of Site Inspection

18th April, 2019

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the Ballymount Road to the west of the M50. The site is located in the Kingswood residential area and is surrounded by two storey residential properties to the east, north east and west. To the north west, the site bounds an area of open space that lies to the north east of Ashfield Avenue. There is also a pedestrian pathway in this area that connects the residential areas to the east of the site with a neighbourhood centre that is located to the south west.
- 1.2. The site is currently occupied by a bungalow which is in a very poor state of repair. A number of cars were parked to the front of the house at the time of inspection, however there was no indication that the house was occupied. The rear garden area of the bungalow was characterised by some discarded domestic and garden material and by generally high boundary walls to the surrounding residential properties. These boundaries comprise block walls with the exception to the north west boundary which faces the area of open space to the north where the boundary comprises a timber panel fence with concrete posts.
- 1.3. The LUAS red line runs to the south of the site along the line of the Tynan Road (R838) and the closest stop is at Kingswood c.650 metres to the south of the appeal site. The Tallaght Town centre is located approximately 3 km to the south and Clondalkin Village is located approximately 2km to the north west.
- 1.4. The stated area of the site is 0.175 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing bungalow on the site including the removal of an existing on site septic tank, and the construction of a new residential development that can be summarised as follows:
 - Residential development in 2 no. three storey blocks and accommodating a total of 14 no. units.
 - Block A to comprise 3 no. two bedroom ground floor apartments each with a three bedroom duplex unit above.

- Block B to comprise 4 no. two bedroom ground floor apartments each with a three bedroom duplex unit above.
- Block A is proposed to be located to the front (south east) of the site and Block B at the rear (north west) of the site. The access to upper floor units is proposed to be via external stair access and Block A is proposed to have an external balcony access at first floor level facing the interior of the site.
- A central courtyard area with surface car parking is proposed between the blocks and a bin storage area is proposed close to the western boundary of the site.
- The vehicular access point is proposed to be relocated to the southern end of the road frontage to Ballymount road from the existing central position. The layout as originally submitted indicates a total of 16 no. parking spaces within the internal courtyard area and an additional 3 no. spaces fronting Ballymount Road.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse Permission for a total of 5 no. reasons which can be summarised as follows:

1. That the height and scale of development would result in overlooking, overshadowing and an overbearing visual impact on adjoining residential development and such as would be contrary to the residential zoning objective of the area and seriously injurious to residential amenity.
2. That the scale, design and layout of public and private amenity space would be such that it would fail to provide a satisfactory level of amenity to residents and would materially contravene Housing Policy 12, Housing Policy 13 Private and Semi Private open space, Housing H15 Objective 3 and the RES zoning of the site.

3. That the design of the proposed development incorporating external access to the duplex units would not represent an appropriate design response and would be detrimental to the visual amenities of the area.
4. That the proposed layout which is deficient in landscaping, multi functional open space and incorporation of SuDs measures would be contrary to G2 Objective 5 and Green Infrastructure Policy 5 of the county development plan.
5. That the proposed development would set an undesirable precedent for other similar forms of development.

It is noted that the wording of Reason for Refusal No.2 makes reference to **material contravention** of a number of policies and the RES zoning objective for the site. The provisions of s.37(2)(b) of the Planning and Development Act, 2000 (as amended) are therefore applicable in this case.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the content of internal reports received and the observations submitted. It is noted that no Design Statement has been submitted or site analysis undertaken. The use of external staircases and deck access arrangement is considered to be unacceptable. The internal layout of units are considered to be generally acceptable and in compliance with the Sustainable Urban Housing Guidelines. The amenity value of the spaces to the front of Block A is not considered to be acceptable and the overall extent and layout of shared amenity space is sub standard. Noted that the application appears to include lands at the western end of the site which are in the ownership of South Dublin County Council. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Water Services – Raise a number of issues with regard to SuDS measures and on site surface water attenuation. .

Irish water – No objection (class 1).

Roads and Transportation Department – Further information required relating to parking provision, access arrangement and the option of gaining access from Ashfield Avenue to the north west of the site.

Parks Department – Refusal recommended.

3.3. **Third Party Observations**

A large number of third party submissions were made to the Planning Authority. The following is a summary of the main issues raised in these submissions.

- Encroachment beyond site and land ownership.
- Traffic implications,
- Apartments unsuitable in principle,
- Height excessive relative to surroundings.
- Overlooking and overshadowing of surrounding properties,
- Excessive density of development.
- Inadequate open space provision,
- Inadequate access arrangements.
- Development will lead to parking issues on road.
- Standards set out in Design Standards for New Apartments will not be met.
- Poor quality of design and visual appearance.
- Increased pressure on public water and drainage networks.
- Requirement for a flood risk assessment.
- Shadowing studies required and inadequate separation distances to surrounding properties.

4.0 Planning History

There is no record of any planning history relating to the appeal site.

5.0 Policy and Context

5.1. National Policy

The ***Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009*** and accompanying Best Practice Guide set 12 criteria under which design proposals should be assessed. The Best Practice Guide states that in smaller infill developments, the mix of housing should ensure that taken with the existing homes, the overall mix in the neighbourhood is conducive to maintaining a healthy balanced community. The guidelines state that in outer suburban areas, such as the appeal site, a density of less than 30 units per hectare is to be discouraged. Density along public transport corridors is to be encouraged and section 58 of the guidelines identify a 1km radius of light rail as being an appropriate location for increased densities. Chapter 7 places a focus on qualitative standards and notes that qualitative standards in terms of amenity space, separation distances or parking should not result in the minimum residential densities not being achievable.

The recently published ***Urban Development and Building Heights – Guidelines for Planning Authorities (2018)*** makes a number of references to outer suburban locations and infill developments. Height restrictions are to be discouraged and a general accommodation of medium density format of developments comprising town houses, duplexes and apartments at heights of 4 storeys and upwards is promoted.

5.2. Development Plan

The appeal site is located on lands that are primarily zoned objective 'RES', 'to protect and improve residential amenities' under the provisions of the *South Dublin County Council Development Plan, 2016-2022*.

A small triangular shaped section of the site at the north east corner is zoned Objective OS 'to preserve and provide for open space and recreational amenity'.

There are a significant number of plan policies specifically referenced in the report of the Planning Officer on file. The following policies are specifically noted:

Policy H7 relates to urban design and requires that the all new residential development is of a high quality and complies with relevant government guidance.

Policy H8 seeks to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H11 relates to overall standard of residential design and seeks to ensure a high quality of living environment in terms of the standard of individual dwelling unit and the overall layout and appearance of the development.

Policy H12 relates to public open space and requires that all developments are served by a clear hierarchy of open space.

Policy H13 relates to private and semi private open space and requires that all dwellings have access to high quality private open space and that open space is carefully integrated into the design of new developments.

Policy H15 relates to privacy and security and states that it is policy of the council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of dwellings.

Policy H17 refers to consolidation and intensification of residential development at appropriate locations.

Sections 11.2 and 11.3 of the plan relate to residential density and consolidation and states inter alia, that higher densities will be permitted within walking distances of town and village centres and high capacity public transport. 11.3.1(ii) states that

save in exceptional circumstances, residential density should be in excess of 35 no. units per hectare.

5.3. Natural Heritage Designations

The site is not located in or close to any designated sites.

5.4. EIA Screening

6.0 Having regard to the scale of the proposed development and to the proposed connection to the public water and drainage networks 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.

7.0 The Appeal

7.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the proposed density is appropriate given national and local policy, the proximity to public transport and services and amenities.
- That the proposed height and scale has been influenced by national policy but also by the site constraints including surrounding development and the availability of access only via Ballymount Road.
- That the suggested access from the north and Ashfield Avenue (Roads Department) is not feasible as the strip of land to the north of the site is in state ownership.
- Consideration was given to terraced housing however this would result in a low density of development.

- That the orientation of the proposed blocks / duplex units is standard facing onto the open space and onto the Ballymount Road. The duplex typology is supported in the Urban Development and Building Heights Guidelines for Planning Authorities and by Policy H9 of the Plan.
- That the references in Policy H9 to integration with surrounding residential development and avoidance of abrupt transitions in building height has to be set against more recent policy guidance.
- To address the concerns raised by the Planning Authority regarding potential overlooking from the terraces and external access stairs and landings in Blocks A and B revised options A and B are presented with the appeal which provide the use of opaque glazing to these areas.
- Shadowing diagrams indicating the impact on No.41 Dunmore Grove are presented that indicates that the impact would be minor. The requirements of Site Layout Planning for Daylight and Sunlight would be met. That the separation distance between the proposed Block B and the dwelling at No.41 is 8 metres at the closest point and 6.5 metres from the existing rear extension to No.41.
- The level and layout of the private amenity spaces serving the ground floor units, deemed inadequate by the Planning Authority has been amended in a revised layout submitted which indicates increased areas of private amenity space to Block A.
- That the amenity spaces of the ground floor units in Block A are accessed via the living rooms and not the bedrooms of these units.
- That the private open space areas to the ground floor units in Block B will have some overshadowing due to the boundary to the public realm areas. In the event that considered appropriate a railing on a low plinth wall could be provided in this area.
- That the bulks of the concerns raised by the Parks Department could be addressed by way of compliance submission. Revisions to this area, including additional planting are proposed.

- To address the concerns raised regarding the treatment of the amenity area (zoned open space) to the east on Block B, it is proposed that this would be amended to provide for a connection between this area and the large open space serving Ashfield Avenue and Dunmore Grove.
- The total area of open space is 175 sq. metres. The Design Standards for New Apartments Guidelines for Planning Authorities state that for urban / infill sites of up to 0.25 ha. communal amenity space may be relaxed in part or whole on a case by case basis subject to overall design quality.
- That open space requirements should be relaxed having regard to the proximity to public park.
- That the proposed duplex units are a counterweight to the existing prevailing house type. The duplex typology is favourably considered in the Urban Development and Building Heights guidance.
- That the render proposed at upper floor levels is self coloured. The applicant is willing to consider the use of brick if the Board consider it appropriate.
- That there are examples of developments of similar form to the current proposal in Saggart and at The Belfry.
- That the details of SuDS measures are set out in the drainage report submitted with the application. No comment regarding SuDS was made by the Drainage department.

7.2. Planning Authority Response

None on file.

7.3. Observations

A total of 30 no. observations on the appeal have been received. The following is a summary of the most significant issues raised in these submissions:

- That apartments are inappropriate and out of keeping with the existing form of development.
- That the height of development is excessive and would be contrary to Policy H9 and section 11.3.2 of the Plan. The ministerial guidance on building height should not result in transition in building height being ignored.
- That there will be a loss of residential amenity for surrounding houses due to overlooking, overshadowing and loss of privacy.
- That access to the estate will be more difficult with the additional traffic. The additional traffic will be a hazard for children.
- Traffic movements at turn in the road and generation of demand for on street car parking.
- That the external staircases are visually obtrusive and inappropriate.
- Poor layout and lack of relationship with surrounding area.
- That the density is contrary to the development plan.
- Open space provision is not in accordance with the provisions of the development plan.
- Increased pressure on already overloaded drainage system.
- No landscaping plan submitted.
- No traffic management or waste disposal plans submitted with the application.
- Inadequate separation of Block B to boundary with rear gardens resulting in loss of residential amenity from the three storey gable due to visual dominance, loss of light and overlooking.
- Inadequate account taken of rear extensions to dwellings on Walnut Avenue.
- That Units Nos 10 and 14 are located partially on lands that are zoned for open space.
- That the duplex examples cited in the first party appeal are not infill sites.

- That the site includes lands that are not in the control or ownership of the first party, triangular plot adjacent to No.41 and the strip of land to the rear of 23-29 Dunmore Grove.
- That an alternative layout of 6 no. two storey houses would be a more appropriate form of development, (outline layout indicating 3 no. units access from Ashfield Avenue and a further three from Ballymount Road submitted).
- That none of the original boundary vegetation has been retained on the site.
- Lack of a flood risk assessment.
- Fire safety implications of the proposed development.
- That the delivery of higher density infill schemes should not prejudice the existing character or residential amenity of the area.
- The proposed density at 80 per hectare is high density not medium density.
- The first party case that the layout on the site is constrained is not accepted. The layout is designed to maximise density.
- That the overshadowing analysis presented does not reflect winter time impacts.
- That the amendments to the scheme do not address the major overlooking issues. The proposed use of a 1.8 metre high glazed screen is not appropriate to this location.
- Maintenance of the development will not be possible due to proximity to the boundaries.

8.0 Assessment

8.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of development
- Design and Layout
- Impact on Residential Amenity
- Access and Parking
- Other Issues
- Appropriate Assessment

8.2. Principle of Development

8.2.1. The appeal site is located on lands that are **zoned Objective RES** under the provisions of the *South Dublin County Development Plan, 2016-2022*. The stated objective for these areas is *'to protect and improve residential amenity'*. Residential is identified as a normally permissible use on lands zoned RES and the principle of infill development is supported by the development plan. The principle of the development of the site for residential use is, however subject to an appropriate design proposal which provides for a high level of design and residential amenity for both existing and future residents.

8.2.2. A small triangular shaped section of the site at the north east corner of the site is **zoned Objective OS** *'to preserve and provide for open space and recreational amenity'*. As highlighted in a number of the third party observations, part of Block B is located within the area zoned for open space and recreational amenity and it is contended that permission should be refused for this reason. I note however that the land use zoning matrix states that 'Residential' development is open for consideration on lands that are zoned Objective OS (open space). The use of part of the site that is zoned open space for residential development is not therefore in my opinion such as to be clearly contrary to the zoning objective. In this regard, I would also note that the extent to which the footprint of Block B intrudes onto the area zoned Objective OS is limited.

- 8.2.3. With regard to the appropriate **density** of development, a number of third party observations on the appeal make reference to the fact that the density of the proposed layout is such that it would constitute a high density rather than a medium density development and that such a density is not appropriate in a suburban location. I note the comments of the observers on this issue however Paragraph 5.8 of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, promotes higher residential development on lands within existing or proposed transportation corridors. A walking distance of up to 1km is specified in the case of light rail corridors and within such zones the guidance states that '*in general minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied...with the highest densities being located at rail stations / bus stops and decreasing with distance away from such nodes.*'
- 8.2.4. The density of the proposed development equates to 80 no. units per hectare which I would agree is high and significantly higher than the normal 35-50 units per hectare considered appropriate for outer suburban locations under the Guidelines. The location of the site is such that it is within c.650 metres of the Kingswood stop on the LUAS red line and some general increase in densities above the standard 35-50 range may therefore be appropriate. This however has to be set against the fact that the site is located in the outer part of the corridor around the LUAS and the fact that, as also recognised by the Guidelines (Paragraph 5.9(i)), infill residential development has to strike a balance between the '*reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill*'. Overall therefore, it is my opinion that the density of 80 units per hectare would appear to be high for a relatively small infill site surrounded by two storey residential development such as the subject site.
- 8.2.5. The third party submissions on file make frequent reference to the case that **apartments are an inappropriate form of development** that would be out of keeping with the existing form of development and also to the excessive height of the proposed development that would be higher than the existing prevailing pattern of development in the vicinity. In principle, I do not consider that apartments are an unsuitable form of development on the appeal site subject to the design ensuring that the impact on residential amenities of surrounding properties is not compromised. Similarly, with regard to height, I do not consider it justifiable that

permission would be withheld purely on the basis that the proposed height is in excess of the prevailing form of development on surrounding sites. Policy H9 and section 11.3.2 of the Plan require that there would be a transition in building height in the case of new / infill development, however the ministerial guidance on Urban Developments and Building Height contain a specific planning policy requirement (SPPR3) which provide that the Planning Authority may approve development that exceeds the heights specified in the development plan provided that certain criteria are met. In addition, paragraphs 3.4-3.8 of the Guidelines provide for heights in the outer suburban / edge locations of cities and towns in the 2-4 storey range and therefore consistent with the scale of development proposed on the appeal site. The acceptability of the three storey development proposed will be on the basis of a qualitative assessment of the design and impact on residential amenity which is provided in the sections below.

- 8.2.6. I note the fact that a number of submissions make reference to **land ownership** and specifically to the fact that the triangular area at the north east end of the site and the strip to the rear of Nos. 23-29 Dunmore Grove on the eastern side of the site. None of the information available on file clearly indicates to me that the applicant does not have control of the site for the purposes of making a planning application.

8.3. Design and Layout

- 8.3.1. The design of the proposed development comprises two three storey blocks located on the site with a central courtyard containing parking and amenity space. The orientation of the blocks is therefore in a north west – south east axis and is not such that direct overlooking of the rear of the adjoining residential houses would occur. The layout does however provide for external access to the duplex units which are located at first and second floor levels and potential for overlooking issues arises from these accesses and private amenity areas associated with the duplex units.
- 8.3.2. The **floor area** of the proposed units range from c.74-76 sq. metres for the two bed apartment units and c.103 sq. metres for the three bedroom duplex units. The floor areas are therefore above the minimum standards set out in either the County Development Plan or the *Sustainable Urban Housing Design Standards for New Apartments Guidelines, (2018)*.

- 8.3.3. The **internal layouts** are in my opinion generally acceptable, with the provision of internal storage areas and room sizes all in excess of the minimum standards. As noted in the report of the Planning Officer, the layout is such that the access to the private amenity space serving the ground floor apartment units in Block B is via a bedroom. While this is not ideal, with an own door access arrangement to these units it is difficult to see how it can be avoided.
- 8.3.4. The **elevations** of the blocks are relatively standard with pitched roof profile and brick and render finish. The use of brick across the whole elevation is suggested by the first party as an option however I consider that render to the upper levels is more in keeping with the existing pattern of development in the area. I note that the Planning Authority have issues with the proposed use of external accesses to the duplex units and that this forms the basis for Reason for Refusal No.3 included in the Notification of Decision issued. In principle or in design terms, I do not have an issue with the use of external stairs access, however the potential impact of this design aspect on residential amenity is clear and is considered in the section below relating to Residential Amenity. Overall, the basic form of the blocks is considered acceptable.
- 8.3.5. The layout of the open space areas is a specific area considered to be deficient by the Planning Authority and I would be in agreement that the level and quality of open space provision in the development is deficient. The ground floor apartment units to Block A propose to have **private amenity space** located to the front facing onto Ballymount Road and such that the area would not in my opinion be private in character even with the revised layout submitted with the appeal which excludes the off street parking in part of this area. Similarly, in the case of Block B, the private amenity spaces to serve the ground floor apartment units, while more private as they are located to the rear of the block, are configured such that they are of limited depth and bounded by a 1.8 metre high wall. Private amenity space to serve the duplex units is proposed to be provided in the form of terraces and the revised layout options 1 and 2 submitted also indicate open space to the west of Block A at ground floor level that would serve the duplex units Nos. 4-6. The layout in this area is however, slightly unclear as the revised drawings appear to indicate private amenity space for duplex unit 4 to the rear of Block A at ground floor level (it is presumed that the drawings should indicate Units 4-6) however the ground floor apartment also

appear to have direct access to this area. Overall, the size and layout of the private amenity spaces to serve the duplex units is considered to be acceptable.

- 8.3.6. With regard to **shared open space**, the original layout proposes an area at the far north east corner of the site, to the north east of Block B. The revised layouts submitted by the first party with the appeal indicate a revised bin storage area and parking layout with an area of open space measuring approximately 71 sq. metres proposed to be provided close to the south western site boundary. The other area of public open space is proposed at the north east corner of the site where the revised layout submitted with the appeal indicate a play area in this location with a pedestrian access to the Ashfield Avenue public open space area to the north west. This area is however located to the side of Block B, is bounded to the north east by the site boundary wall and connected to the main part of the site to the south by a narrow gap between Block B and the site boundary measuring only two metres. The area is not overlooked by either existing dwellings in the vicinity or by the proposed development and is such that it would in my opinion result in a poor layout that would result in a sub standard level of amenity for residents.
- 8.3.7. **Bin storage** is proposed to be provided in a location close to the south west facing boundary of the site moved and has been relocated to a more central location in the revised Options 1 and 2 submitted with the appeal. Individual bin storage areas for the duplex units in Block A are also illustrated in the revised layout submitted. Given the size of development and number of units served, a covered bin storage area may be more appropriate, however the revised location away from the site boundary is considered preferable for an open bin storage area. It is noted that access for a bin vehicle to the bin store is not illustrated and there would not appear to be space within the development to turn a refuse vehicle.
- 8.3.8. Overall, in my opinion the provision and layout of public or shared amenity space is of a poor standard in the development and such that it would result in a sub standard level of residential amenity for future residents of the development. I would also have concerns with regard to the provision of private amenity space for the ground floor apartment units, and particularly those located in Block A.

8.3.9. I note the fact that reason for refusal No.2 of the Notification of Decision to Refuse Permission issued by the Planning Authority makes reference to **material contravention** of the development plan with regard to compliance with Housing Policy 12 (Public Open Space), Housing Policy 13 (Private and Semi Private open space), Housing H15 Objective 3 (location of private open spaces behind the building line and such that they provide adequate privacy and security) and the RES zoning of the site. By virtue of the deficiencies in the layout of public open space as discussed above, I consider that the proposed development would be contrary to **Housing Policy H12** of the plan, in particular Objective 1 which requires that open space would comply with the qualitative standards set out in the development plan (chapter 11) and Sustainable Residential Development Guidelines (Chapter 4) and Objective 2 which requires that open spaces benefit from passive surveillance. Similarly, it is my opinion that the deficiencies set out above in the provision of private amenity space are such that the proposed development would be contrary to **Housing Policy 13** regarding private and semi private open space and **Housing Policy H15 Objective 3** which requires private amenity space to be located behind the building line and such that it provides adequate privacy and security. I do not consider that any of the criteria set out in s.37(2)(b) of the *Planning and Development Act, 2000 (as amended)* are applicable to these issues, and specifically there is not in my opinion any ministerial or other guidance that would set aside the deficiencies identified above with regard to public and private amenity space provision and layout. I do not therefore consider that it is open to the Board to overturn the reason for refusal cited by the Planning Authority relating to public and private amenity space (Reason for Refusal No.2) and that permission should be refused on this basis.

8.4. **Impact on Residential Amenity**

8.4.1. The decision of the Planning authority (Reason for Refusal No.1) considers that the scale and layout of the proposed development would result in overlooking, overbearing and overshadowing impacts on existing surrounding residential properties, such as would seriously injure the residential amenities of properties in the vicinity of the site. The impact of the proposed development on the residential

amenities of surrounding properties is also a consistent theme in the third party observations received by the Board.

- 8.4.2. The potential areas of **overlooking** relate to the terraces to the duplex units in Blocks A and B and the external accesses to these duplex units. In the case of Block A, it is my opinion that adequate screening to the ends of the external terrace could be provided that would mitigate the potential for overlooking of the property to the north (23 Dunmore Grove) and south (1 Walnut Avenue). Similarly, subject to the use of solid screening to the ends of the external terraced serving the duplex units in Block B and the use of opaque glazing to this terrace, I do not consider that the proposed development would have a significant negative impact in terms of overlooking of adjoining houses. The external stair access required for the proposed duplex units would also have the potential to result in overlooking of adjoining properties. The deck access arrangement to the north west of Block A would, notwithstanding the alternative staircase locations presented in the revised layouts submitted with the appeal, in my opinion introduce an element that would lead to potential overlooking of the rear of the dwellings to the south on Walnut Avenue. Similarly, the external staircase accesses to the duplex units in Block B would in my opinion lead to a loss of residential amenity due to overlooking and general loss of privacy for Nos.5 and 6 Walnut Avenue and No.41 Dunmore Grove in particular.
- 8.4.3. The form of the proposed development at three storeys would, in my opinion result in a degree of **visual intrusion and overbearing visual impact** on surrounding residential properties. In particular Block B due to its proximity to the rear gardens of No. 6 Walnut Avenue and No.41 Dunmore Grove, the modest scale of the rear gardens of these dwellings and the additional visual impact generated by the external duplex accesses would result in an overbearing visual impact and resulting loss of residential amenity for surrounding houses. The potential impact of Block A is in my opinion less significant due to the greater separation distance to adjacent houses, however I do note the very close proximity of Block A to the northern site boundary and the rear boundary of Nos. 23 and 25 Dunmore Grove.
- 8.4.4. With regard to **overshadowing**, the first party has submitted a shadow analysis which indicates the degree of potential shadowing impact on surrounding properties, and in particular on No.41 Dunmore Grove which is located to the north of, and in close proximity to, Block B. The results of this assessment indicate that Block B

would have some shadowing impact on No.41 Dunmore Grove, although as noted by the third party observers, the assessment is limited to June and March. Overall, on the basis of the information presented, I do not consider that the impact on No.41 arising from shadowing would be significantly negative.

8.5. Access and Parking

- 8.5.1. **Parking** provision for the development comprises a total of 15 no. off street car parking spaces to be located within the central courtyard (as per option 1 and 2 presented with the first party appeal). In the originally submitted layout, an additional 3 no. parking spaces were proposed to be located to the east of Block A with direct access from Ballymount Road. The parking standards for residential developments are set out at Table 11.24 of the County Development Plan and state that the maximum car parking provision is 1.25 no. spaces per two bedroom unit and 1.5 no. spaces for a three bedroom unit. On the basis of these standards, the maximum parking provision on the site should be 19 no. spaces. I note the concerns expressed by the third party observers regarding overspill parking demand from the site however, having regard to the location of the site within the public transport corridor formed by the LUAS red line it is my opinion that adequate on site car parking is proposed to be provided.
- 8.5.2. The **layout of car parking** within the site is such that access to and from a number of the spaces would appear to be tight. Specifically, Nos. 1, 8, 9, 14 and 15 would appear to be located such that egress from the space would not be easily achieved.
- 8.5.3. The **access point to the site** is proposed to be via a relocated vehicular entrance onto the Ballymount Road. I note the comment contained in the report of the Traffic and Transportation section which recommends that the option of alternative vehicular access via Ashfield Avenue to the north west should be investigated. From an inspection of the site, I would agree that this alternative access has merit and, as discussed above, the potential for two accesses to the site would facilitate alternative residential layouts that would be along the lines of that proposed by the third parties to the appeal. The option of access to Ashfield Avenue would involve the crossing of a public walkway to the north of the site however I do not consider that the layout in this area is such that an alternative vehicular access via this route could not be

feasible from a traffic or pedestrian safety perspective. I note that the potential for an alternative access is referenced in the first party appeal which states that the option has been investigated but is not feasible as the local authority lands which require to be crossed are not available. For this reason it is not considered that the use of an alternative access via Ashfield Avenue, and any alternative residential layouts that would be facilitated by this alternative access, can be considered in the current assessment.

- 8.5.4. The proposed access point onto Ballymount Road is located within an existing urban area and **sight lines** at the access are in my opinion sufficient and such that they would comply with the provisions of DMURS. Third party submissions on file raise concerns with regard to the potential for the additional traffic generated by the development to result in congestion at the access to the wider residential area. Given the number of units and car parking spaces proposed I do not consider that any such additional congestion would be significant. The potential generation of car movements is not in my opinion a valid basis for refusal of permission for the infill development of underutilised residentially zoned lands for residential use.

8.6. Other Issues

- 8.6.1. Third party observers indicate that **drainage and water supply** are issues that are of relevance in this location with localised drainage issues reported. The reports on file from Water Services and Irish Water indicate that adequate water supply and foul drainage infrastructure is available and so I do not consider that this forms the basis for refusal of permission.
- 8.6.2. Reason for Refusal No.4 attached to the Notification of Decision issued by the Planning Authority makes reference to the deficiency of landscape planting, multi functional open spaces and **SuDS measures**. The open space layout has been commented on above and I note that the submitted application drawings indicate suds measures in the form of permeable paving and surfaces. These details and some landscaping proposals are indicated on the Landscape Design drainage submitted with the application. In the event that a grant of permission was being considered, some additional landscaping design proposals are in my opinion required. Regarding SuDS, I note that the report of the Water Services section

questions the effectiveness and extent of the SuDS measures proposed and states that more details are required and concludes that, on the basis of the information presented, it is concluded that additional attenuation capacity is required on site. No revisions to on site attenuation are set out in the revised information presented with the appeal and in the event that a grant of permission was being considered it is my opinion that further clarity with regard to SuDS measures and on site attenuation would be required.

8.7. Appropriate Assessment

- 8.7.1. The appeal site is not located in or close to any European site. The proposed development involves the removal of an existing on site septic tank and the connection of any new development to the public water supply and drainage networks. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. In view of the above assessment, it is recommended that permission would be refused based on the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to the design, scale and layout of the public and private amenity spaces serving the development, in particular the lack of adequate private amenity space to serve the apartment units in Block A, the poor amenity of the private space to serve the apartment units in Block B and the general deficiency in provision of public open space and poor layout of the area at the north east corner of the site, it is considered that the proposed development would be

contrary to Housing Policy 12 (Public Open Space), Housing Policy 13 (Private and Semi Private Open Space) and Housing Policy 15 (Privacy and Security) of the *South Dublin County Development Plan, 2016-2022*. The proposed development would therefore result in a sub standard form of residential development for future occupants of the development, would seriously injure the amenities of existing adjoining residential properties and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale, design and layout of the proposed development, in particular the use of staircase and deck access arrangements to access upper floor duplex units and the proximity of the blocks to site boundaries, it is considered that the proposed development would have a significant negative impact on the residential amenities of surrounding properties by virtue of overlooking, overbearing visual impact and loss of privacy. The proposed development would therefore seriously injure the amenities and depreciate the value of adjoining properties and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

10th May 2019