



An
Bord
Pleanála

Inspector's Report ABP 303871-19

Development	Change of house type for 5 previously approved house types under PA Ref. No. D18A/0566.
Location:	Lands south of Rockville House, Glenamuck Road South, Kilternan, Dublin 18.
Planning Authority	Dún Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18A/1191.
Applicants	Good Rock Project Management Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellants	1. Ken Fennell (Receiver over certain assets of The Carrickmines Partnership)
Observers	None.

Date of Site Inspection

5th June 2019.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

1.1 The appeal site is accessed via Rockville housing estate on the southern side of Glenamuck Road South, access is via an internal access road within the residential scheme. Rockville House and The Gate Lodge, both of which are protected structures have been incorporated into the housing scheme. The site is part of a larger landholding which includes lands to the southeast which were the subject of a recent refusal by An Bord Pleanála for 57 apartments (ABP 303324-18). The overall landholding is bounded to the east by playing pitches (Wayside Celtic FC, Jackson Park), to the south by trees. The appellant's lands bound the application site to the south west and were originally part of the applicant's landholding. The route of the proposed Glenamuck Distributor Road traverses the applicant's landholding to the south of the site, this is the subject of a current application before the Board.

1.2 Permission was granted under Planning Authority Reference D17/0793 for a residential scheme of 49 units, construction has commenced, a number of dwellings are occupied with the remainder of the site an active construction site at the time of inspection. The section which is the subject of this appeal is triangular in shape and remains a green field with 220kv electricity lines and a restriction corridor traversing the larger field from which the site is taken, to the south is a pylon. A fence separates the application site from the appellant's lands to the southwest. The norther boundary consists of the rear gardens and associated boundaries of the houses currently under construction.

2.0 Proposed Development

Permission is being sought for modifications to an existing permitted development consisting of:

- 2 no. detached 2.5 storey 4 bed houses (type D1) gfa of c. 165.6sq.m.

- 1 no. end of terrace 2.5 storey 4 bed house with extension (type D2) gfa of c. 143.2sq.m.
- 1 no. mid-terrace 2.5 storey 4 bed house (type D3) gfa of c. 137.7sq.m).
- 1 no. end of terrace 2.5 4 bed (type D4) gfa of c. 137.7sq.m)

Minor revisions to the site layout plan, including the provision of side access to house types D1, D2 and D4.

3.0 Planning Authority Decision

3.1 Decision

Grant Permission subject to 9 conditions.

3.2 Planning Authority Reports (18th February 2019)

This forms the basis of the Planning Authority's decision and the main issues raised relate to housing design, residential amenities and open space. The Planning Authority noted that the application is for minor changes to house types and the layout of the houses in response to the restriction corridor for the 220kv electricity line passing along the eastern side of the application site.

The Planning Authority have referenced Planning Application Reference D18A/0566 as the parent permission for the current development before the Board.

This was an extension to a larger residential scheme granted under Planning Application Reference No. D17A/0793 for 49 residential units and the retention of Rockville House and Gate Loge (Protected Structure). The house types referred to in the current application correlate with those from this application.

3.2.1 Other Technical Reports

Drainage Planning (23rd January 2019): No objection subject to compliance with all conditions attached to the parent permission.

Transportation Planning (30th January 2019): No objection subject to compliance with all conditions attached to the parent permission.

3.2.2 Third Party Observations

The main issues raised in the appellant's (Ken Farrell (receiver over certain assets of The Carrickmines Partnership)) initial submission are largely in line with the grounds of the appeal and shall be dealt with further in the relevant section of this Report.

4.0 Planning History

4.1 Applicant's Landholding:

Application site:

Planning Application Reference D18A/0566 refers to a 2018 grant of permission for 5 dwellings. This was a small addition to the residential development granted permission under D17A/0793 for 49 residential units (37 houses and 12 apartments) access via the permitted access road serving D17A/0793.

Rockville House:

Planning Authority Reference D17/0793 refers to a 2017 grant of permission for 37 houses and 12 apartments including the retention of Rockville House and The Gate Lodge (protected structures) with amendments to boundary treatment

to provide 2 no. separate residential dwellings within curtilage carparking and private open space.

Planning Authority Reference No. D16A/0488 (An Bord Pleanála Reference No. PL.06D.247300) referred to a 2017 decision to refuse permission for 49 units and the retention of Rockville House and The Gate Lodge. For reasons relating to the inadequate road network in terms of deficiencies in capacity width, alignment and structural condition of the road.

Planning Authority Reference No. D18A/0940 (An Bord Pleanála Reference No. ABP 303324-18) refers to a May 2019 decision to refuse permission for a 4 storey apartment block consisting of 57 apartments and gym on a site to the south west for the following reason:

Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013, and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2 Strategic Housing Developments Application along Glenamuck Road South:

ABP300731-18 refers to a 2018 decision to refuse permission for 98 houses for 4 reasons relating to density too low and inappropriate housing mix, impact on residential amenity, lack of detailed documentation in terms of storm water proposals and substandard level of pedestrian/cycle connection.

ABP302801 refers to a current application for a development of 30 houses and 173 apartments at Glenmauck Road South.

4.3 Glenamuck District Road Scheme:

An Bord Pleanála Reference ABP 304174-19 refers to a current Local Authority CPO Application relating to the Glenamuck District Roads Scheme.

An Bord Pleanála Reference ABP 303945-19 refers to a current application for Glenamuck District Road Scheme which would connect the existing R117 (Enniskerry Road) with the Glenamuck Road and a new distributor road which would connect to the Ballychorus Road and the R117 Enniskerry Road.

5.0 Policy & Context

5.1 Kiltiernan/Glenamuck Local Area Plan 2013

The site is located within Land Parcel 20a designated for medium density housing.

5.2 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective *'to protect and/or improve residential amenity'*.

The land is subject to Specific Local Objective No. 40: "To develop the Kiltiernan/Glenamuck area in accordance with the policies and objectives of the adopted Local Area Plan."

There is a six year Roads Objective for the Glenamuck District Distributor Road, Glenamuck Local Distributor Road (including Ballycorus Link) and Glenamuck Road South.

RPS No: 1790 - Rockville House, Glenamuck Road, Carrickmines, Dublin 18, - House and Gate Lodge on adjacent lands.

The site is located with the Section 49 Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road and Surface Water Attenuation Ponds Scheme 2008.

RES7: *It is the Council policy to encourage the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the interim Housing Strategy.*

Chapter 8. Principles of Development:

Section 8.2.3 Residential development.

Section 8.2.8.2 Public/Communal Open Space-Quantity

(i) Residential/Housing Developments.

Open Space: For all developments with a residential component - 5+ units – the requirement of 15sq.m-20sq.m of Open Space per person shall apply based on the number of residential/housing units [...] in instances where exceptionally high quality of open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2 (iii).

(ii) Separation distances:

A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced to 7 metres for single storey dwellings – subject to the maintenance of privacy and protection of adjoining residential amenities.

5.3 Guidelines

Project Ireland 2040 - National Planning Framework 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which **Objective 27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable

development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant **S.28 Ministerial Guidelines** are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- ‘Design Manual for Urban Roads and Streets’ (DMURS).

5.4 Natural Heritage Designations

None.

The nearest designated sites are:

- Knocksink Wood SAC (site code 000725) c.3.2km to the southwest.
- Ballyman Glen SAC (site code 000713) c.4km to the southeast.
- Wicklow Mountains SAC (site code 002122) c.4.8km to the southwest.
- Wicklow Mountains SPA (site code 004040) c.4.8km to the southwest.

5.5 EIA Screening

Having regard to nature of the development comprising of changes to a permitted housing development, consisting of change of house type and layout, in a serviced urban area, 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.

6.0 The Appeal

6.1 Grounds of Appeal

A third party appeal has been received from Ken Fennell (receiver over certain assets of The Carrickmines Partnership), Deloitte & Touche House, 29 Earlsfort Terrace, Dublin. The grounds of appeal can be summarised as follows:

- The appellant controls the adjoining lands to the south west of the application site which has been the subject of SHD pre-application consultation with a view to lodging an application.
- With reference to the revised house design and the extent of the development outlined within the red application line, the appellant is concerned that the layout of houses 4&5 would result in rear gardens of very narrow depth and which would impact on and unduly restrict the design option of the appellants landholding to the south and west.
- The applicant is seeking to circumvent condition no. 3 of the D18A/0566 permission by proposing the area south of house 5 as a private garden, rather than a public open space as required under condition no.3.
- Condition no.2 of the D18A/01191 grant of permission requires that this area to the south of house 5 be revised to include for public open space and the garden area of house 5 be reduced in size accordingly. The condition is welcomed but it should be more descriptive as it does not go far enough to reduce the impact on the lands to the south-west.
- The original proposal was for a terrace of 4 and a pair of semi-detached houses. The current proposal includes 2 detached houses. The applicant requests that the houses be moved northwards and provided in a single terrace of 5 houses.

6.2 Planning Authority Response

The Planning Authority refers the Board to the original Planner's Report on file.

6.3 Applicant's Response to the Appeal

This is mainly in the form of a rebuttal, points of note include:

- Condition no. 3 of D18A/0566 required the omission of dwelling house D5 (reducing the final grant from 6 to 5 houses). The condition refers to 'open space' and not 'public open space'. The applicant interpreted this term to include both private and/or public open space as the exact nature of the open space required was not prescribed.
- Condition no. 4 required the provision of high-level windows or obscure glazing on the side elevation facing south.
- Compliance has been submitted and agreed with DLR in respect of the exact position of the 2m high granite wall, the quantum of open space required and the treatment of the gable elevation to house type D1H. This has been included with the applicant's response.
- A copy of compliance details that have been agreed with DLR for condition no. 4 have also been included with the response.
- Revised drawings submitted which correlates with the recently approved compliance for the D18A/0566 application.
- The provision of 2 detached houses and a terrace of three houses as part of the current application provides a greater housing mix within the overall development.

6.4 The appellant's response to the applicant's response to the third party appeal

This is mainly in the form of a rebuttal to the applicant's response. Point of note include.

- The compliance has not been signed off by DLR.
- The Board is entitled to assess the application 'de novo' regardless of compliance.
- The drawings submitted by the applicant provide some public open space to the south of House 5. It is suggested a larger public open space should be provided. The D1H house does not require such an extensive garden which exceeds the County Development Plan requirements.
- The housing application before the Board is not contiguous to the open space within the Rockville Housing development to the northwest and a reasonable provision of public open space should be provided onsite and which will also serve as a buffer to the appellant's landholding to the south.
- The proposed unit mix is inadequate.
- The use of a terrace would reduce the potential impacts of visual massing and overlooking.

6.5 Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity.
- Appropriate Assessment.

7.1 Residential Amenity

7.1.1. The current proposal is for changes to a permitted extension (5 houses) to a permitted housing scheme at Rockville which is currently under construction with a number of unit occupied. There is a variety of house types permitted within the larger residential scheme granted permission under PA Ref. No. D17A/0793 to date, the current proposal is for alternative layout and house types from those original granted under PA Ref. No. D18A/0566 which consisted of a terrace of 4 houses and 1 semi-detached house. The applicant argues that the alternative house types to those originally permitted would result in the availability of a better unit mix within the overall residential scheme at Rockville.

7.1.2 Plots 1 to 5 have a permitted mix of house types under PA Ref. No. D18A/0566 (this reduced the permitted houses from 6 to 5 by condition) as follows:

- 1 no. end of terrace 2.5 storey 4 bed houses (type D1) gfa of c. 165.6sq.m.
- 1 no. mid- terrace 2.5 storey 4 bed house with extension (type D2) gfa of c. 146.2sq.m.
- 1 no. mid-terrace 2.5 storey 4 bed house (type D3) gfa of c. 137.7sq.m).
- 1 no. end of terrace 2.5 4 bed (type D4) gfa of c. 137.7sq.m).

- 1 no. detached 2.5 storey 4 bed houses (type D1h) gfa of c. 165.6sq.m.

The current proposal is for:

- 2 no. detached 2.5 storey 4 bed houses (type D1) gfa of c. 165.6sq.m.
- 1 no. end of terrace 2.5 storey 4 bed house with extension (type D2) gfa of c. 143.2sq.m.
- 1 no. mid-terrace 2.5 storey 4 bed house (type D3) gfa of c. 137.7sq.m).
- 1 no. end of terrace 2.5 4 bed (type D4) gfa of c. 137.7sq.m)

7.1.3 The prevailing character of the permitted scheme is predominantly 2.5 storey, the proposal is therefore acceptable in terms of design and residential mix.

7.1.4 It is my considered opinion revised house types and site layout proposed would not significantly reduce the amenities of each unit, where gardens are less than 11m in depth, appropriate design solutions to the rear elevations have been proposed to address potential overlooking of the adjoining lands. I consider that the proposals acceptable.

7.1.5 The proposed changes to the houses and layout would not result in overlooking or overshadowing of adjoining residential developments under construction to the north west. There is no permitted residential development on adjoining lands to in the appellant's control.

7.1.6 An area of open space was conditioned to the south of house. 5 under the original permission for the site. The current proposal has reduced this area marginally and provided a larger private garden to house 5. I note that the five houses proposed are an extension to a larger scheme and ample public open space is provided within the scheme. Furthermore the area in question is not usable public open rather it provides a buffer along an access road which links to the appellants lands. The provision of c. 200sq.m of private amenity space to house 5 is generous and could be reduced to increase the public open space

on this corner if the Board consider it necessary. I note that the compliance drawings submitted with the appellant's response include this area as part of the garden of house 5.

7.1.7 I consider the changes to the house types and the minor alterations to the site layout acceptable and comply with the required Development Plan standards. The changes would not detract from the amenities of adjoining houses under construction or prejudice the potential development of adjoining lands.

7.2 Appropriate Assessment:

7.2.1 Having regard to the location of the site in a fully serviced built up suburban area, 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.

8.0 Recommendation

8.1 I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations/ Reasons

Having regard to the provisions of the Dún Laoghaire Rathdown Development Plan 2016-2022 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions.

1. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms

and conditions of the permission granted on the 8th day of November, 2018 under planning register reference number D18/0566 and Planning Reference No. D17A/0793 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by details received by An Bord Pleanála on the 2nd day of April, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

5. Each entire dwelling shall be used as a single residential unit only.

Reason: In the interest of clarity.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting

development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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 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.

10. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road and Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Dáire McDevitt

Planning Inspector

12th June 2019