



An
Bord
Pleanála

Inspector's Report ABP-303916-19

Development	Upgrading of mews laneway, surface water drainage sewer, utility services, public lights and associated signage.
Location	Knapton Lane, off Knapton Road, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0530
Applicant(s)	Knapton Lane Management Co. Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As Above
Observer(s)	David Turner & Mairead de Bara, Ian & Catherine Counihan, Siobhan Julienne, Siobhan Burke, Niall Meagher and

Nicola Matthews, Dermot Brangan &
Helen Browne, P & C Chapple;

Date of Site Inspection

23rd June 2019

Inspector

Kenneth Moloney

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.2. Planning Authority Reports	6
3.3. Internal Reports;.....	6
3.4. Third Party Observations	7
3.5. Submissions.....	7
Planning History.....	7
4.0 Policy Context.....	8
4.1. Development Plan.....	8
5.0 National Policy	8
6.0 The Appeal	8
6.2. Observations	10
6.3. Second Party Response	12
6.4. First Party Response.....	13
7.0 Assessment.....	19
I would consider that the principle issues are as follows;	19
8.0 Recommendation.....	22
9.0 Reasons and Considerations.....	22

1.0 Site Location and Description

- 1.1. The appeal site is located in close proximity to Dun Laoghaire town centre and is situated off Knapton Road.
- 1.2. The appeal site is a mews lane, i.e. Knapton Lane, which takes its access from Knapton Road.
- 1.3. Knapton Lane is approximately 180-200 metres in length is a curving lane that provides access to several mews houses and also rear access, including garage access, to several other residential properties.
- 1.4. The surface of the lane is currently loose gravel and there is no footpath provision.
- 1.5. There are boundary walls along the mews lane which provide boundaries to rear gardens. The boundary walls are a mix of granite stone wall and block and brick walls. The boundary walls range in height but are generally not higher than 1.6 – 1.8 metres.
- 1.6. The several large trees planted in rear gardens that adjoins the lane and these mature trees provide a sense of enclosure and privacy adjoining the lane.

2.0 Proposed Development

- 2.1. The proposed development is for the upgrade of an existing mews laneway known as Knapton Lane.
- 2.2. The proposal includes excavations for the proposed new road base course and shared surface dressing consisting of resin bound aggregate finish wearing course.
- 2.3. The proposal also includes 100mm water main, 225mm foul sewer and 225mm surface water drainage sewer with attenuation and connections to existing combined sewer on Knapton Road.
- 2.4. The proposal also includes the removal of existing part wall and fence to front to form turning area and new set back boundary wall and fence to front to form turning area and new set back boundary wall at rear of Clonlea, Knapton Road.

- 2.5. The proposed development includes utility services, appropriate street / security public lighting standards.

Additional information was sought for the following;

1. Illustrate rights of way on the lane
2. Tree survey
3. Defined usage for surface water proposals
4. Defined usage for foul drainage network
5. Maintenance details for the upgraded lane
6. Public lighting

3.0 **Planning Authority Decision**

- 3.1. Dun Laoghaire Rathdown County Council decided to **refuse** planning permission for the following reasons;

1. Having regard to the invert level of the proposed surface water drainage exiting Knapton Lane, and the nearest known invert level for the public sewer on Knapton Road, access from the proposed surface water drainage to the public sewer is not possible. The proposed development, would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
2. Having regard to the minimum fall requirements for the proposed foul network, and the existing levels on Knapton Lane, access from the proposed foul network to the public sewer on Knapton Road is unachievable. The proposed development would, therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposal is acceptable in principle.
- Previous planning applications for mews houses have been refused permission due to the poor quality of the lane.
- The proposal is in accordance with RES6 of the County Development Plan.
- The proposed mews lane upgrade is consistent with Section 8.2.3.4(x) of the County Development Plan.
- The Transportation Section sets out a number of conditions.
- It is considered that the resin bound aggregate finish is acceptable.
- It is considered reasonable that the applicant provide road markings and signage at the turning area.
- The applicant shall be requested to submit a rights of way map for the lane.
- Foul and surface water drainage issues need to be addressed.

3.3. Internal Reports;

- Transportation Planning; - Acceptable subject to conditions.
- Conservation; - Wall mounted lighting is preferred option. The resin bound aggregate finish is considered acceptable. The proposal is in line with County Development Plan policy.
- Public Lighting; - Additional information requested in relation to details of lighting.

3.4. Third Party Observations

There were 8 no. third party submissions and the issues raised include are similar to the issues raised in the submissions to the Board.

3.5. Submissions

There is a submission from IW who have no objection to the design rational for the proposed development but a defined usage would need to be demonstrated.

Planning History

- L.A. Ref. D14A/0313 – Permission **refused** for the construction of a two-storey, four bedroom mews dwelling house, new boundary walls to the rear of proposed dwelling and adjacent to ‘Clonlea’ provision for car parking spaces and turning area, installation of new foul and surface drainage within the site to connect to public drainage on Knaption Road. Permission was refused for the following reasons;
 1. Given the scale of the proposal, the restricted nature of the site it was considered that the proposed development would result in overdevelopment of the subject site, which would be contrary to Section 16.3.4 (ix), ‘Mews Lane Development’ of the County Development Plan. The proposed development would therefore seriously injure residential amenities and depreciate the value of property in the vicinity.
 2. The access laneway is considered to be of an unacceptable standard to cater for an intensification of development and traffic likely to be generated. In the absence of any proposal to upgrade the lane it is considered that the ‘mews’ dwelling is premature pending the upgrade of the said laneway and would therefore endanger public safety by reason of traffic hazard and obstruction to road users.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. Dun Laoghaire – Rathdown County Development Plan, 2016 – 2022, is the operational Development Plan. The appeal site is zoned Objective A ‘*to protect and-or improve residential amenity*’.
- 4.1.2. The lane is designated with an objective to ‘mews development acceptable in principle’.
- 4.1.3. The houses that face onto York Road and Knapton Road (Knapton Terrace) which have rear boundaries adjoining the lane are protected structures.

5.0 National Policy

5.1. National Planning Framework, 2018

- 5.1.1. The recently published National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites and policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Some other relevant policies from the NPF include the following;

- NPO 6 – Regenerate / rejuvenate cities, towns and villages
- NPO 8 – Targeted population growth in Ireland’s 5 cities
- NOP 13 – Relax car parking / building heights to achieve well-designed high-quality outcomes

6.0 The Appeal

- 6.1. The applicant submitted an appeal submission. The submission outlines the refusal reasons, a site description, planning policy, planning history, details of the proposed

development and the decision of the planning authority. The following is the summary of the main grounds of appeal;

- The proposed development would implement an objective in the County Development Plan to develop the lane for mews housing.
- There is no issue with the design rationale for the design of the drainage system.
- Irish water had indicated to the applicant that a connection to the public sewer would be available whilst confirming that a pump system might be required.
- It is contended that a connection to the public sewer is possible.
- A modified system is proposed that will involve a pumped system. This is illustrated on the revised drawing no. 2956/01.
- This revised drawing shows a connection to the proposed foul drainage system on an individual basis, with pumping from each house via a 5mm rising main.
- The individual rising main will lead to a manhole at the entrance of the Lane.
- The connection from the manhole to the public sewer on Knapton Road will be by gravity.
- This system will allow for maximum flexibility to facilitate development of new houses on a gradual basis.
- A similar system of individual rising main was approved by Dun Laoghaire Rathdown and IW in respect of development of multiple houses, i.e. L.A Ref. 14A/0033. The Board are requested to review this precedent.
- The disposal of surface water will be primarily via percolation to the ground. Any residual surface water will flow by gravity through an attenuation system to restrict flow to a manhole near the junction and ultimately pumped to the public system.
- Full details can be agreed with the Local Authority prior to the commencement of development.

6.2. Observations

There are 7 no. third party observations submitted. The following parties support the proposed development;

- David Turner & Mairead de Bara
- Ian & Caterine Counihan
- Siobhan Julienne
- Siobhan Burke

The submissions from these observers can be summarised as follows;

- The observer supports the proposed development.
- The observer would welcome the opportunity to downsize and the proposed development would offer the opportunity to provide a mews house or smaller house. This would allow the observer downsize and release their family home.

The following is the summary of an observation from **Niall Meagher and Nicola Matthews**;

- A submission from CORA Engineers confirms that the proposed connections to the public sewer fail to meet the requirements of Section 1.5 of the IW Codes of Practice.
- There is discrepancy in the site levels on the drawings provided by the applicant.
- There is insufficient space for compliant pumping station.
- There is inadequate technical detail on the pumping station.
- The applicant has failed to demonstrate compliance with IW specific minimum requirements.
- It is proposed to pump the surface water which falls well short what is usually acceptable by Dun Laoghaire Rathdown County Council.

- There is inadequate engineering detail to assess the proposed development.
- There is a lack of evidence in relation to adequate storage facilities for both foul and surface water as will be required to cope with eventual failure.
- No details of standby pump.
- The failure of the individual pumping system will lead to regular public health hazard for individuals and occupants of the lane.
- Pumped solutions are usually appropriate for commercial developments.
- The materials and fittings selected by the applicant are inappropriate for the established amenity setting of the laneway.
- The details of the solution ignores the historical architectural evolution of the laneway.
- The detail of the hammerhead should be provided.
- Insufficient detail is available on the construction management.
- The applicant has not demonstrated an appropriate management proposal for the future maintenance of the laneway.

The following is the summary of an observation from **Dermot Brangan & Helen Browne**;

- The access from the private lane to the public sewer has not been fully surveyed and may not be achievable due to difference in levels.
- The proposal fails to clarify IW request of 'defined usage'.
- The management of individual pumping stations is questioned.
- The appeal refers to L.A. D14A/0033 as a precedent. However this case relates to group puming system.
- It is submitted that DLRCC concerns in relation to surface water has not been addressed.
- There are public health concerns in relation to failure of the systems.

- Details in relation to the management of the lane have not been demonstrated.

The following is the summary of an observation from **P & C Chapple**;

- It is questioned how the change to a pumping system will impact on the integrity of this Victorian lane.
- The proposed scheme differs significantly from L.A. D14A/0033.
- It is questioned whether the dimensions of the proposed development can be accommodated on the laneway.

6.3. **Second Party Response**

The following is a summary of a response submitted by the Local Authority;

- There is concern that the proposed development could not be drained by gravity to the existing public network.
- There is a long standing objection to surface water pumping. There is a risk of mismanagement or non-management of these systems.
- The combined sewer on Knapton Road is not fully surveyed. The last known levels identified are close to no. 17 Knapton Road and the invert level is 32.05m. Upstream of this location, towards Knapton Lane, the extent and level of the sewer is unknown. It will be a higher level as it moves upstream.
- From known information it is estimated that the level of the existing sewer could be in the region of 1.5m – 2m higher than the proposed outfall of the proposed network.
- The provision of a pumped surface water solution in combination with a flow control device does not physically work. This could potentially allow unattenuated flow from the lane out into the combined system.

- It is considered that sockpits on mews sites are unachievable due to separation distance requirements and overflow to the proposed surface water network on Knapton Lane will be required. An unknown level of surface water could enter the combined system.
- The provision of a pumped system is not acceptable and the application is premature and would possibly create a public health issue.
- It is requested that should the Board grant permission that a condition is imposed that a final connection to the combined sewer shall not be made until such time as a proposal or proposals for housing development have been granted permission.

6.4. First Party Response

The following is the summary of a response submission by the applicant;

- This submission outlines evidence that the invert level of the public sewer, showing that a connection to a public sewer is available as originally proposed and that the pumping of the surface water will not be necessary.
- It was originally proposed to provide a pumping system however the Local Authority were opposed to this.
- In the absence of available data the applicants contracted Dyno-Rod to undertake a survey.
- The survey demonstrates that the level of the sewer in Knapton Road is 2.4m below the road level. The existing road level is surveyed as 33.87m. The invert level is calculated at $33.87\text{m} - 2.4\text{m} = 31.47\text{m}$.
- This survey indicates that the invert level of the public sewer at the entrance to Knapton Lane is sufficiently low to facilitate a gravity based discharge of both surface water and foul effluent from Knapton Lane. This will eliminate the need for the pumping of surface water.

- The surface water would fall by gravity towards the public sewer on Knapton Road. The surface water system would be entirely independent of the foul system, including the attenuation section in the lane with a controlled discharge to the sewer.
- It is submitted that the narrowest garden along the lane is sufficiently wide to accommodate a proprietary soak away and ensure adequate set back from the boundaries.
- Drainage from Knapton Lane can fall by gravity to the public sewer from the proposed manhole no. 5 on the lane. Beyond MH5 the proposed foul drainage from each house will be pumped locally to outfall FMH5. The gravity section of the foul drain, from FMH5 to the public sewer, will run within the lane at a fall of 1:80. This arrangement will provide for future connection of individual sites.
- The individual pumping system proposed is similar to that proposed in L.A. Ref. D14A/0033. IW accepted the principle of this proposal.
- In relation to drainage and other design issues it is submitted that these issues are fully addressed.
- The applicant is willing to accept details of light fittings and materials, as also of the turning area to be agreed with the Planning Authority.
- The applicant would welcome a condition in relation to management.

6.5. **Response by Observers**

The following is the summary of a response submitted by Siobhan Julienne

- It is submitted that a proposal by gravity will be acceptable to Dun Laoghaire Rathdown County Council.
- The Lane is a long term objective by the County Council for mews development.
- The development of the lane should be the highest quality to ensure harmony with the local heritage.

- A detailed management plan would be required during the construction period.

The following is the summary of a response submitted by **Dermot Brangan and Helen Browne**;

- It is unclear of the precise proposal now before the Board.
- The Council's letter of 8th April 2019, criticised the proposed pumping of surface water.
- The survey work carried out by Dyno Rod was inconclusive and subject to a 10% correction factor.
- It is questioned, given the narrowness of the lane, whether the subject lane can accommodate the proposed piping which is substantially larger than the previous proposal.
- The current plans also omit the existing private water main covered by way leave and the Bord Gais pipe which runs down the centre of the lane.
- The Dyno Rod survey has identified the poor condition of the sewage system.
- It is submitted that the proposed suburban street lamp proposed to the front of the observers dwelling is uncharacteristic for a mews lane and has implications for maintenance of two existing manholes and vehicular access.

The following is the summary of a response submitted by **P & C Chapple**;

- Drawing no. 2956/01 Rev. g. (received by ABP on 14th May 2019) shows a new water main to be installed.
- There is insufficient separation distance from the proposed water main to the private water main and directly in line with a fire hydrant.
- Irish Water drawing STD-W-11 Rev 1, clearly outlines a zone whereby no other services can be constructed.
- The new water main terminates in a dead end only with IW approval.
- The proposed water main infrastructure has no regard to existing trees.

- The new proposal does not illustrate the infrastructure to support the pumping of foul water from the 13 properties identified by the drawing 'proposed drainage layout, Dwg. No: 2956/01 Rev: G. This drawing only shows 1 manhole and a single duct.
- It is submitted that surface water excavation will require deep excavations in a narrow lane. The impact on the structures of existing properties is unknown.
- It is contended that the end of the lane maybe subject to flooding as this portion of the lane will not be developed and will be subject to surface water run-off.
- The Dyna-Rod Survey was inconclusive in relation to the levels.
- It is contended that a gravity based sewer cannot be achieved as the known level outside Glencoe is 32.05m. The applicants have calculated an invert level of 31.47m, that is below the invert level. As such the proposed foul and surface pipes cannot connect to the public sewer as the proposed connection point.

The following is the summary of a response submitted by **Niall Meagher and Nicola Matthews**;

Standard of Development

- There are issues with levels for a proposed gravity sewer.
- No details of the standby pump and 24 hour waste storage.
- No details of MH5 which will require to be tall and subject to traffic damage.
- Pumping of foul water in individual houses is inappropriate.
- A preferred solution would be to facilitate the houses to the north section of the lane to discharge by traditional gravity system via Clonlea onto Knapton.
- The selected materials ignores the historic setting.

Execution

- Inadequate details in relation to construction management and timescales.

Management details

- Inappropriate level of detail in relation to management of the laneway.

Design Issues

- The lane shall be upgraded having regard to the historic and architectural aspects of Knapton Road and Knapton Terrace.

The response submission from the parties listed below have raised broadly similiar issues and the following summary outlines these issues;

- **Ian Counihan and Catherine Counihan**
- **Siobhan Burke**
- **David Turner and Mairead de Barra**

- The new survey work undertaken by Once Civic and Structural Engineers demonstrates that the invert level of the public sewer at the entrance to Knapton Lane is sufficient to allow discharge for surface water and foul drainage by way of gravity.
- Kanpton Lane is identified for mews lane development in accordance with County Development Plan policies.
- The specifications of the proposed upgrade is important in order to maintain the historic character of the area.
- The upgrade works should be carried out with minimum disruption. A detailed construction management plan should be put in place.

6.6. **Response by Local Authority**

The following is a summary of a submission submitted by the Drainage Planning Division. This submission raises concerns with the First Party Response. The concerns are summarised as follows;

- Full details of the drainage survey are unavailable for examination.
- The dyno-rod survey stated that the survey was inconclusive and a best reading of 2.2m – 2.6m. This is clearly not an accurate survey.
- The use of a transponder survey, in an area of heavy services, is not recommended for accurate surveying. A silt trench approach is recommended.
- The applicant concludes that the invert level for the public sewer is 31.47m. The invert level of the proposed sewer is 31.48m, a difference of 0.01m.
- It is submitted that the difference of 0.01m does not allow for any factor of safety.
- The known level of the public sewer at no. 17 Knapton Road (north of the proposed outfall) is 32.05m.
- The sewer travels in the south to north direction. This would confirm that the proposed outfall point should be higher in level than 32.05m as it is a gravity based public sewer.
- The original concerns are still relevant as the proposal would required a pumped solution.
- The application could create a public health hazard.
- Details of the proposed soakpit are unavailable.
- Should the Board grant permission a condition should be attached that no connection to the public sewer is made until such time as a proposal for mews housing is granted development.

7.0 Assessment

I would consider that the principle issues are as follows;

- Principle of Development
- Services
- Architectural Heritage
- EIA Screening

7.1. Principle of Development

- 7.1.1. The operational development plan is the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022.
- 7.1.2. Knapton Lane is zoned Objective A which has an objective to '*protect and-or improve residential amenity*'. In accordance with the County Development Plan Knapton Lane has a designation which is relevant for the proposed development. The designation states that '*mews development is acceptable in principle*'.
- 7.1.3. As such the proposal to upgrade an existing mews lane which would provide for future mews housing provision, subject to planning permission, is acceptable in principle. The proposal is acceptable subject to demonstrating that the proposed development will have no adverse impacts on the local amenities.

7.2. Services

- 7.2.1. The proposed development includes provision for a separate gravity based surface water drainage and foul sewer drainage. Both drainage pipes will flow into the combined public sewer on Knapton Road. The existing public sewer on Knapton Road is a gravity based sewer travelling in a south to north direction. However IW identified an issue with the levels. The invert level of the proposed foul sewer and surface water drainage on Knapton Lane is 30.85m OD whereas the invert level at

this location for the public sewer is 32.05m as such access is not achievable. Accordingly the Local Authority refused permission.

- 7.2.2. In the appeal submission the applicant submits a revised proposal that will involve a pumped solution. The revised proposal shows a connection to the proposed foul drainage system on an individual basis, with pumping from each house via a 5mm rising main.
- 7.2.3. The Local Authority in their response submission outline concerns in relation to the proposed pumping system. The Local Authority outline that there is a long standing objection to surface water pumping as there is a risk of mismanagement or non management of these systems. Furthermore the Local Authority submit that from known information it is estimated that the level of the existing sewer could be in the region of 1.5m – 2m higher than the proposed outfall of the proposed network.
- 7.2.4. Following the appeal submission the applicant submitted a response submission which included a revised proposal. The revised proposal was based on survey work, carried out by dyno-rod. This survey work identified that the public sewer on Knapton Road, adjacent to Knapton Lane, is identified as 2.4m below ground level. The public road level is surveyed as 33.87m as such the invert level of public sewer is 31.47m (33.87m-2.4m). The submission includes a revised drawing¹ illustrating a redesign for the proposed surface water drainage and the foul water drainage on Knapton Lane. The redesign provides an outfall invert level of 31.48m for surface water and 31.47m for foul water drainage. This provides for a difference of 0.01m.
- 7.2.5. The Local Authority, in the report prepared by Drainage Planning, dated 28th May 2019, is still concerned as it considers that a gravity difference of 0.01m does not sufficiently allow for a factor of safety. The Local Authority is also concerned in relation to the accuracy of the survey carried out. It is submitted that the public sewer has a known invert level at no. 27 Knapton Road of 32.05m. It is contended that the

¹ Drawing no. 2956/02 rev d.

public sewer level on Knapton Road, adjacent to Knapton Lane, must be higher than the invert level 32.05m as the public sewer runs in a north south direction and is gravity based.

7.2.6. I would consider that the issues raised by the Local Authority have not been satisfactorily addressed as such the proposed development would be prejudicial to public health.

7.2.7. On the basis of the information available I would conclude that the foul sewer and surface water proposals are unsatisfactory and I would concur with the Local Authority's refusal reasons for the proposed development.

7.3. **Architectural Heritage**

7.3.1. The appeal site is not located within an Architectural Conservation Area. The houses that face onto York Road and Knapton Road (Knapton Terrace) which have rear boundaries adjoining the lane are protected structures.

7.3.2. I would note that the Conservation Officer, based on her report, has no objections to the proposed development. Overall I would consider that the proposed development for the upgrade of existing mews would not be detrimental to the architectural heritage of the local area.

7.4. **EIA Screening**

7.4.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

9.0 Reasons and Considerations

1. Having regard to the differences in the invert levels of the proposed foul drainage and surface water pipes relative to the existing public sewer on Knapton Road it is unclear whether a pumping solution would be required as such the proposals to address the public sewer connectivity are considered inadequate. It is considered that the proposed development would be premature pending adequate overall resolution to provide for an adequate foul sewer and surface water proposals and would, therefore, be prejudicial to public health.

Kenneth Moloney
Planning Inspector
9th August 2019