



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304162-19

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<b>Development</b>	Demolition of outbuildings, construction of 8 houses, modified entrance to site and associated site works.
<b>Location</b>	Mount Michael & Wits End, The Rookery, Scholarstown, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0227
<b>Applicant(s)</b>	David, Alan and Richard Harrison
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	David, Alan and Richard Harrison
<b>Observer(s)</b>	Aindrias O'Caoimh & Yvonne Molony O Caoimh Chris McGreal
<b>Date of Site Inspection</b>	20 <sup>th</sup> of August & 18 September 2019
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is 5826sq.m. and it is located on the east side of Scholarstown Road, 0.5km from the M50, within a well-established residential area. The residential area mainly consists of family homes. There are shops, schools, parks, and other services within walking distance of the site, it is a well established outer suburban area.
- 1.2. Within the site is Mount Michael (Protected Structure) and Wits End the larger site surrounding the house. Mount Michael is listed under RPS 307. Wits End is not protected.
- 1.3. The site is bounded to the north and east by houses from The Rookery housing estate, and to the south by a four storey apartment block, Ros Mor View. Access to the development and the protected structure is via The Rookery housing estate. One of the applicants is a resident of the protected structure. The protected structure and the gardens are in good condition. I noted the outhouses to the side of the main house are in a poor state of repair, and parts of the curtilage are overgrown. The original access to the protected structure is off Scholarstown Road is a bell mouth recessed accessed.
- 1.4. The site has extensive mature planting, in particular along the site boundaries. The roadside boundary wall along Scholartown Road is over 8metres in height.
- 1.5. The No. 15 bus route runs close to the site. Scholarstown Road, footpaths and pedestrian crossing close to the southern site boundary have recently been upgraded in the general vicinity of the site.

## 2.0 Proposed Development

- 2.1. The proposed development includes for 8No. dwellings representing a density of 13.7 residential units per hectare. The proposed development was later revised to 7No. units, all detached dwellings three and four bedroom units.
- 2.2. There are 7No. dwellings proposed within the grounds of the protected structure:
  - one dwelling along a similar building line to the Rookery.
  - 4No. detached dwellings opposite the protected structure,

- House No. 6 located alongside Mount Michael in place of the ruinous outbuildings (three-bedroom dormer bungalow).
- Six dwellings forming a courtyard with Mount Michael will be accessed from the existing access road serving the protecting structure via The Rookery. A pedestrian access to the site will be retained directly off Scholarstown Road.
- House No. 7 is detached is completely from the scheme and is located alongside the Ros Mor apartment block south of the site, at the rear of the protected structure. Dwelling No. 7 will have its own access directly off Scholarstown Road.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

South Dublin Co. Co. refused the proposed development for 5No. reasons, summarised as follows:

1. The proposed development would have a significant adverse impact on the character of the protected structure by way of overall design and layout of the proposed scheme, in terms of its layout, scale and form, and boundary treatments. There is no design rationale for the development. There are no works proposed for the protected structure, and yet the Conservation Officer has highlighted that there are signs the building needs attention and regular maintenance. The proposal would materially affect the protected structure. The proposal would materially affect the protected structure and would contravene Policy HCL 1 and HCL 3 of the development plan.
2. The proposal would result in the site and curtilage been broken up in a piecemeal manner which would fail to promote an inclusive development within this sensitive site. Any design should be sensitive and subservient to Mount Michael House. The proposal remains overly dominant. The location, orientation and overall design of the Courtyard House (House 6) fails to provide a sensitive component. The plan reflects a main stream housing estate and does not reflect the protected structure and its setting. The

proposals would contravene policies HCL1, objectives 1 and policy HCL3 and Objective 2.

3. The opening for a new entrance for a single dwelling, No. 7 onto Scholarstown Road is not desirable and would endanger public safety because it is located close to the new pedestrian crossing for Scholarstown Road and the Orlagh Roundabout. The applicant has failed to provide the required sightlines, as a setback of 2metre was indicated on the drawings and it should have been 2.4metres. The applicant is requested to explore access via Ros Mor apartment site.
4. The Bat survey was carried out, out of season, and the site has been identified as a commute corridor for bats, and full bat survey of all buildings and activity on site is required during the appropriate season and time for bats
5. Surface water management has not been adequately addressed. The further information response has undercalculated surface water attenuation by 42% for a 100 year storm event.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

**1<sup>st</sup> Report:** Recommended additional information to reduce and reposition the dwellings proposed. The protected structure is to remain prominent, and remove Houses 1 and 2, they are visually intrusive, break the building line, open space to be provided to the east of Mount Michael. The mass and bulk of Houses 3-6 does not site comfortably within the site. The proposals should include maintenance of the main house. Reports on trees and landscaping and items from various internal reports requested.

***A response to the further was received by the planning authority on 15<sup>th</sup> of February.***

Notable items in the response from applicant:

- Existing driveway and trees to be retained
- Semi-detached pair of dwellings at entrance has been replaced by one detached dwelling

- Generous open space provision
- House & entrance has achievable sightlines and is positioned 7m from pedestrian crossing
- House 5 re-orientated away from Willow Lodge to address the detached garage.
- Landscaping including retention of original trees, with only 11No. trees to be removed from the site.

A recommendation to Refuse in line with the planning authority's decision.

### 3.2.2. Other Technical Reports

**EHO:** No objections

**Roads:** No objections, a shared pathway minimum of 3metres along the full frontage of the site of Scholarstown Road.

No permeable paving.

No. parking bays per dwelling is unclear

Scholarstown Road Improvements Scheme.

#### **Parks and Landscape**

Additional information is required regarding a Landscape Design Rationale

**Water Services:** No objections

**Conservation Officer;** There are two reports on file, pre and post further information. Of note the following is relevant:

- The inclusion of a low plinth wall, railing and planting in front of Mount Michael results in the protected structure being completely cut off from its curtilage and site context. The views of the protected structure on approach are now diminished, and it has lost its relationship with its outbuildings and grounds.
- High quality contemporary house designs were requested and they were to be positioned and orientated in different locations and individually designed to add architectural interest and integrity to the entire site, and this was not carried out as requested

- The replacement dwelling for the outhouses fails to site sensitively within the existing courtyard. The entire development looks like a mainstream housing estate and does not reflect the site context and character.
- No works proposed for Mount Michael and there are visual signs it requires attention.
- The proposal is piecemeal and will have a negative impact on the protected structure.

### 3.3. Prescribed Bodies

#### ***An Taisce:***

It is overdevelopment of the site.

### 3.4. Third Party Observations

Residents from the adjoining residential developments objected to the proposed development on the following grounds:

- The Rookery service road is only 7.3metres wide with carparking along both sides of the road. It would be safer to access the scheme off Scholarstown Road.
- The sewer pipe is too small to cater for the additional load generated by the proposal.
- Overdevelopment of the site
- Adverse impact on existing residential amenities of adjoining properties
- Adverse impacts on architectural heritage
- Traffic

An Taisce stated the proposal was overdevelopment within the curtilage of a protected structure.

## 4.0 Planning History

In 2003 under planning registration SD03A/0409, 2No. four bedroomed dwellings were granted planning permission to the east of Mount Michael, which was a proposed protected structure.

## 5.0 Policy Context

### 5.1. Development Plan

The subject site is located on lands which has the zoning objective RES – to protect and improve residential amenity.

The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

#### **National Planning Framework 2018**

The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 states new residential development in cities should be directed into locations within the existing built up service areas.

#### **Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and places that work – and will continue to work - and not just for us, but for our children and for our children's children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme

**Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):**

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

## **5.2. Natural Heritage Designations**

The site is not located within any designated site. The closest European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6.5km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 2.5km to the west of the site.

The site is a brownfield site in a serviced suburban area.

## **5.3. EIA Screening**

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, 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

The grounds of appeal address the 63-page Planning Report on file which formed the basis for the refusal.

- There are two site plans submitted on appeal. The revised site plan submitted lead to the retention to the existing driveway on approach to the site. This meant the trees could be retained. The current protected view to the protected structure will remain unchanged.
- Mount Michael will remain the largest of the dwellings, with the most generous footprint, and its original features. The focal point of the entire design is the protected structure. The front boundary wall is a privacy consideration for the residents of Mount Michael, and the treatment is a low plinth wall and railings. A generous garden to the south will be retained, protecting mature trees to the east, enhancing the entrance and parking area to the north, and preserving access to the outbuildings, yard and cellar by retaining the larger courtyard area to the west.
- The Design of Houses 2-5 following the loss of House No. 1 as part of the A.I. request is a high-quality contemporary infill design. They are laid out in a sympathetic crescent shape addressing the new street with adequate separation distances. There is a Design Rationale submitted within the Architectural Design statement for having the dwellings face the access road in order to meet with policy H15 objective 3 regarding enclosed open spaces.
- The dwellings to the north have been given special consideration in terms of the protected structure. The living spaces are to the rear of the dwellings maintaining a passive elevation facing the protected structure. The street trees, on street parking and landscaped buffers will create a visual separation. Contemporary materials will be used to enable the Protected structure to be the main focus.

- Single storey dwellings cannot be justified in the context of the housing requirement of the county. The row of 4No. dwellings creates an elegant solution to the area opposite the protected structure. The neighbouring context is varied with 4 storey apartments to the south, dormer houses in the Rookery, and generous detached dwellings to the west. The two storey units are a compromise.
- The proposed courtyard dwelling will be contained fully within the existing yard curtilage. It would be impractical and unviable to design residential spaces within the constraints of a limited internal dimensions of the outbuildings. The orientation and L-shaped layout has been mirrored while maintaining the building line of Mount Michael preserving the north and south courtyard walls. The outbuildings, yard features and ancillary structures are within the Wits End site and were originally associated with the house but are not protected structures. The buildings are beyond repair in their current conditions and cannot be reused. The courtyard wall and character of the enclosure have formed the rationale for the new courtyard dwelling. Given its low ridge height it is clearly subordinate to the protected structure.
- The sightlines at House No. 7 are achievable. The boundary wall at this location consists mainly of modern blockwork and repairs. There would be minimal loss to the historic fabric
- The applicant has owned Mount Michael House since 1992 and has sustained ongoing maintenance. The comments made by the Conservation Officer were upsetting to the owner/ occupier. Works to the main house do not form part of the planning application.
- The original scheme submitted was revised by additional information which changed the position of the houses, reduced the number by one, reduced the scale of the courtyard house, House 2 addresses public open space and changes to the rear elevations to reduce potential overlooking. Other changes to reduce the visual impact include the road layout,, parking, hard and soft landscaping. The applicant is disappointed the planning authority concluded that no works proposed to the main dwelling was viewed as neglect, he has no wish to devalue the dwelling or let it fall into disrepair.

- House Type A was designed with the Protected Structure as the focal point. Views towards it have been protected and enhanced. The new development will not be clashing with the historic features of the Protected Structure. There were changes to the fenestration on House 2,3,4 and 5, and House 2 was repositioned to address the area of public space.
- The Protected Structure is not part of the planning application. Any house of the size and age of the protected structure requires ongoing works. There has been ongoing repair works to the property. The dwelling is a full time family home, and there is no material alteration proposed to same.
- The number of street trees is dictated by the street parking layout. A total number of 16No. trees are proposed within the street area which surpasses the number of trees to be removed to facilitate the design. There are 13No. trees to be removed from the site which is 25% of the total 49 No. trees on site. The arboricultural impact on the site will be low. The majority of the trees to be removed are low quality semi-mature trees.
- In terms of the ecological report submitted with the planning application, the planning was critical that the data collected was during early spring. It is acceptable for suburban sites that surveys would be carried out in suboptimal periods and for ecologists to use their professional judgement to consider potential seasonal issues. The planning authority regularly accepts ecological assessments of other sites surveyed between October and February.
- The Bat survey was submitted with the planning application. The bat survey including roost inspections and a dusk activity was undertaken in October 2016 by a licenced bat surveyor. The site of the proposed works has limited value for foraging, commuting and roosting bats. There were no bats recorded at the outbuildings. No bats roosts were found in the trees on site, therefore there will be no direct impact on bats predicted. The grounds of the site were classified as low suitability for foraging and commuting bats given its urban location and lack of connecting habitats.
- The planning authority want the roadside boundary wall along the eastern side of Scholarstown Lane to be removed, and a cycle lane and footpath provided similar to the western side of the road. However, in another part of

the planning report, the boundary wall is considered to be an important component of the protected structure and should be retained. Clear direction should be given on this issue in particular the conflicting requirements of the road section to the conservation officer.

- In terms of carparking, Section 11.4.3 of the development plan, carparking standards has been complied with in full. The site is considered to be in a Zone 2 area due to the No. 15 Bus Route. The site is accessible for refuse and fire tenders.
- The proposed footpath layout is more than adequate for a development of this size within a cul de sac at the end of a long access route through an existing housing estate. The Adamstown Street Design guide is referenced, and the proposal becomes a Homezone referred to in section 6.3 Side Street Design. The proposed street is short with visible legible boundaries and clear layouts of where to park, walk and enter.
- The sightlines at House No. 7, originally No. 8 were considered to be inadequate. McCormack Associates have made a submission on appeal, and the sightlines are acceptable given the slow approach to the site from the traffic-lighted pedestrian crossing and roundabout beyond the site.
- The green area to the centre of the site serves as a traffic calming technique to reduce car movements to one-way. Footpaths are located behind carparking spaces with some in curtilage spaces on larger plots. These items were requested from the planning authority as part of the further information.
- Surface water drainage proposals were acceptable to the SDCC Water Services Section.

## 6.2. Planning Authority Response

There was nothing further to add on appeal.

## 6.3. Observations

Aindrias O Caoimh and Yvonne Molony O Caoimh of Willow Lodge, Scholarstown Road have made a submission on appeal, citing the following concerns in summary:

- As new residents to the neighbouring dwelling, their concerns are that their house (bungalow), will be overlooked in particular by the 4No. two storey dwellings Type A with very small rear gardens.
- Their concerns were not considered by the planning authority.
- Willow Lodge was built in the 1970s as a bungalow so as not to encroach on Mount Michael, and its amenity value.
- The proposed development in attempt not to encroach onto the amenity value of Mount Michael has increased encroachment upon Willow Lodge.
- The provision of Dwelling No.s 2,3,4, and 5 will require the removal of existing screening, resulting in Willow Lodge being overlooked.
- The further information drawings illustrate dwelling No. 2 even closer to Willow Lodge
- The proposed roof height is such that the attics could be converted at a future date.
- The glazing could be changed in bathroom windows at a future date
- The garden areas associated with the 5No. dwellings are very small, thereby increasing adverse impact on Willow Lodge
- The unused gateway on to Scholarstown Road which is proposed as a public space should be closed off in line with the pathway on the side of the house as it is unsightly.

Chris McGreal, 113 Dargle Woods has made a submission on appeal citing the following concerns:

- The planning authority's decision makes no reference to the third party concerns regarding the proposed foul drainage connection to service the site.
- The drainage layout indicates a connection to an existing manhole (MH) in the Rookery which is connected to an undersized 150mm diameter pipe network, routing through 3No. private properties. Namely, No. 5 The Rookery, No.s 113 and 114 Dargle Wood. The sewer was routed through the three properties to serve 11No. new houses and an existing dwelling known as the Rookery. It was never envisaged this would become a mainline sewer to facilitate an add

on development in the future. The pipe size installed at the time was only 150mm.

- The responsibility of the sewer is now with Irish Water, who increased established standards of 8No. houses on a 150mm sewer to 20No. dwellings. The overloading will result in blockages, and the sewer will need to be upgraded. This change in standards is an affront to established legal principles.
- The proposed connection will result in nearly doubling the load on the sewer, resulting in a loading of 23litres/ sec, which will cause overloading and blockages. The house floor levels will have to be raised to give the desired gradients to maintain a flow with no blockages.
- Irish Water has removed the preventative maintenance clause, and since 2015 all sewerage main which pass under private property are the responsibility of the owner of the property.

## 7.0 Assessment

7.1 The main issues of this appeal can be assessed under the following headings:

- General Compliance with National Guidelines & Standards and the South Dublin County Development Plan
- Visual Impact
- Residential Amenity
- Roads & Traffic
- Other Issues
- Appropriate Assessment

The proposed development was revised from 8No. to 7 No. dwellings by way of further information submitted on the 15<sup>th</sup> of February 2019. The revised proposals are the subject of this assessment as it represents an enhanced scheme on the overall site to the original proposal submitted, and the revised proposals were ultimately refused by the planning authority following a full assessment of the further information submission.

## 7.2 **General Compliance with National Guidelines & Standards and the South Dublin County Development Plan**

Given that the subject site is located on lands zoned for residential purposes, the principle of development at this location is considered acceptable and in compliance with the general thrust of the *Sustainable Residential Development in Urban Areas (DoEHLG, 2009)*, and the *South Dublin County Development Plan 2016-2022*. The 2009 Guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said Guidelines. The revised development as per the further information proposes 7No. dwellings on 0.58Ha which is an acceptable density given the surrounding adjacent higher densities. The general area is mature residential with a mixture of detached and semi-detached dwelling and an apartment block to the south.

The site is an existing residential curtilage within a large residential suburban area, where there are shops, schools, amenity facilities to cater for families and a broad spectrum of the population. The National Planning Framework calls for new developments to be located on serviced lands in cities. The subject location is a strategic location close to public transport links and a broad range of community and commercial facilities. In my opinion, having regard to the general pattern of residential development in the areas, the current site is underutilised. Therefore I have no objection to the principle of 7No. dwellings on 0.58ha which is a low-medium density.

## 7.3 **Visual Impact**

The service road to the scheme will remain as the existing entrance via The Rookery housing estate. The views approaching the protected structure, Mount Michael, will remain unchanged, apart from the low wall and hedgerow that will front the main house. The Protected Structure will remain the prominent structure on the site. The Conservation Officer, considered the plinth wall railings and hedging to the front of Mount Michael detached the protected structure from its curtilage. I would agree with this viewpoint, however the entire curtilage is changing under this proposal, and I consider the statement of an ornamental boundary fronting the protected structure highlights its importance and prominence from the overall scheme which is visually open plan.

House No. 1 is a detached dwelling that follows the building line and layout of The Rookery. It is surrounded by open space and is a significant setback from the protected structure (26m). It is a contemporary two-story dwelling. The character of the entrance to the site is protected by the setback proposed for dwelling No. 1, and the public open space area fronting the site. Given its orientation, and relationship to the dwellings in The Rookery as opposed to the protected structure, I consider the dwelling will not impact negatively on the visual amenity of the area or materially from the protected structure.

Houses No. 2-5 are four detached dwellings facing Mount Michael and backing onto adjoining residential properties, Willow Lodge and 11 The Rookery. Again, the architectural style is contemporary and symmetrical, and it is not pastiche. The houses address the protected structure and the access road creating a new street, with a small wall and hedging creating a new boundary in front of Mount Michael. Each dwelling is detached and has a private rear garden area, with a communal parking area to the front. The four dwellings are not architecturally noteworthy, and perhaps more of a design statement could have been created by these dwellings as opposed to a uniform monolithic statement facing directly towards Mount Michael House. I note the Conservation Officer was not satisfied with this element of the proposal and considered a variety of design and orientations was required on this portion of the site. In my opinion, this is a subjective issue, the plainness of the dwellings ensures the dwellings do not compete architecturally or visually with the protected structure. Mount Michael remains the primary focus on the overall site.

Dwelling No. 6 replaces the derelict out buildings. It is a dormer bungalow designed like an annex building to the main house, which maintains its subordinate context of Mount Michael. The new houses form a courtyard type layout incorporating the protected structure.

Finally, House No. 7 is at the rear of Mount Michael within a large residential curtilage with its own access onto Scholarstown Road. It is a two-storey dwelling, 198sq.m. positioned at the southern end of the site maintaining a separation distance of 22metres from Mount Michael.

Two of the reasons for refusal did not accept the revised design, and considered the proposals detached the protected structure completely from its curtilage and site context.



In my opinion, the access to the protected structure from The Rookery estate instead of from the original access off Scholarstown Road, has previously reduced the context of the protected structure. Upon walking around the site, it is evident this prime residential site is underutilised. The outbuildings are derelict, parts of the grounds are overgrown and are not visually or physically connected to the main house. I refer to Existing Landscape Plan submitted to the planning authority on 15<sup>th</sup> of February 2019, which indicates the existing site context. I consider the overall, the proposed development will not seriously injure the visual amenities of the area.

In my opinion, the proposed building height, massing and setback creates a strong sense of place and containment, while respecting Mount Michael's status as a protected structure. I consider the low granite plinth wall and hedging/ railings fronting Mount Michael contributes to this sense of enclosure. On balance, the curtilage of the protected structure does little to enhance its status and I believe the contemporary development will create a new dynamic around the house and a new streetscape whereby it will remain the dominant feature.

#### **7.4 Residential Amenity**

The residents from the neighbouring properties have expressed concern regarding proximity of the development to their respective properties, loss of privacy and light. I acknowledge the rear garden areas to dwelling numbers 3 and 4 are narrow and these dwellings back into Willow Lodge. Willow Lodge is a detached L-shaped bungalow positioned at an obtuse angle to proposed dwellings. There are two first floor windows on the rear elevation of House Type A1 (No.s 3-5). The first window is a bathroom window with sandblasted glazing. The second window is a projecting bedroom window which angled away from the neighbouring property to avoid direct overlooking of the adjoining rear garden. This is a suburban area and a certain level of overlooking from first floor windows is a regular feature of suburban living. There are no opposing windows between the existing and proposed properties. I do not consider the proposal represents a serious reduction in the residential amenities associated with the neighbouring properties. Dwelling No. 2 represents the dwelling that will create the greatest impact in terms of overlooking, and the first-floor window has been directed towards 11 The Rookery which is 27metres from the proposed dwelling. I do accept a certain level of overlooking will occur onto the contiguous

rear gardens of two properties, however, its is not considered to be an overly invasive form of overlooking, and the separation distances form opposing windows are within current residential standards.

Given that the location of the neighbouring dwellings is to the north of the proposed development, and the separation distance of the proposed dwellings from the boundary wall, the two storey height of the development, the development is unlikely to result in undue loss of light to neighbouring properties.

## **7.5 Roads &Traffic**

The salient issue in terms of roads and traffic, is Scholarstown Road. Recently the area adjacent to the proposed development has been the subject of the Scholarstown Road Improvements Scheme, whereby a 3metres footpath on the opposite side of the road has been provided and a new pedestrian crossing beside the Orlagh roundabout. The Roads Design section considered the proposal offered an opportunity to provide similar shared footpath and cycle lane on the eastern side of Scholarstown Road, which would entail setting back the roadside boundary wall by 3metres. The Conservation Officer was more inclined to retain the original boundary wall and entrance. I consider the existing footpath along Scholarstown road (eastern side) to be narrow along the road frontage of the development and it would benefit the wider area to increase the width of the footpath. In my opinion, the roadside boundary wall holds very little aesthetic or architectural value, and should be setback into the site in agreement with the planning authority. The current wall as viewed form Scolarstown Road is patchy and includes the roof of the outbuildings to be demolished. The planning report did refer on a number of occasions to the historical significance of the wall, and that the new development should be integrated into the existing wall. However, the historical changes to Mount Michael have created subdivisions of the original property, and changes to the access to the dwelling. I do not see how the roadside boundary wall is a signifigant feature of the property, as stated when viewed from the public road, its includes a variety of specifications and height with a lot of modern additions.

The required sightlines at the proposed entrance off Scholarstown Road to dwelling No. 7 will then be easily achievable when the wall is setback. The traffic moves

slowly in the vicinity of the site due to its proximity to the roundabout and pedestrian crossing.

The access and traffic to the proposed development is via an existing housing estate, The Rookery. This is acceptable in terms of carrying capacity and layout to cater for 6No. additional dwellings.

The proposal complies with the relevant standards identified in the DMURS Guidelines in terms of providing shared surfaces, carriageway 4.8metres in width, and a 1.2metres footpath. There is a pedestrian link onto Scolarstown Road via the original access to Mount Michael.

## **7.6 Other Matters**

The quantum and design of the public and private open space areas throughout the entire development are acceptable and in keeping with development plan standards.

The proposal includes for the removal of 13No. existing trees and the provision of new planting throughout the site. The planning authority deemed the tree removal to be excessive. During my inspection two trees have been removed since the planning authority's decision due to decay, they were not quality specimens.

Therefore, there are 11No. trees to be removed, this is not excessive given the 0.58 extent of the total site area.

Having considered the ecological report, the suburban location of the site, and the existing residential use on the site, I consider another ecological report carried out during the growing season, to be unnecessary. The information contained in the report is sufficient to make an informed decision on the proposed development. Similarly a Bat Survey Report was conducted on site in 2016, and no bats were found on the site. However, there were bats recorded commuting along the northern and southern parts of the site, and the report concluded there were no significant adverse impacts predicted on the bats as a result of the development. The planning authority used this issue as a reason for refusal because the survey was conducted out of season, however, there were no bats found on site and regardless of the season, this would not change the outcome of the findings. I recommend the Board dismiss that reason for refusal.

Mount Michael is occupied by one of the applicants. This ensures the ongoing preservation of the protected structure. The Conservation Officer of South Dublin County Council was concerned there were no ongoing maintenance and repair plans associated with the protected structure forming part of the planning application. In my opinion, that is a separate issue, and the fact the structure is permanently occupied and maintained should be acknowledged as a significant conservation advantage.

Finally, there was a third-party observation regarding the foul water drainage, and the fifth reason for refusal concerned inadequate surface water drainage proposals. The issue of surface water and attenuation was raised in the request for further information. The applicant increased the attenuation proposals and the appropriate department had no objection to the proposed development. The report recommended that in the event of a grant of permission a revised drawing should be submitted showing increased water attenuation for a 100 year storm event (increase proposed 104 cubic metres by 42%) and the proposal needs to comply with the *Greater Dublin Regional Code of Practice for Drainage Works*.

Irish Water have no objections to the proposed development. It is acknowledged that a third-party observation states the sewer pipe serving the development is only 150mm and could be inadequate to serve the proposed development. However, the governing authority has no objection to the proposed development and has not indicated that there are issues with the foul sewer serving the area.

## **7.7 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, seven additional dwellings within the grounds of an existing dwelling within a built up serviced suburban area of Dublin, and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

## 8.0 Recommendation

It is recommend planning permission be granted for the proposed development.

## 9.0 Reasons and Considerations

Having regard to:

(a) The South Dublin County Development Plan, 2016 - 2022 according to which the areas within the site are subject to the zoning objective 'RES' - "To protect and improve residential amenity" and according to which residential development is among the uses which are permissible;

(b) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 according to which new residential development in cities should be directed into locations within the existing built up service areas;

(c) Sustainable Residential Development in Urban Areas (DoEHLG, 2009) recommending higher densities on serviced lands

(d) the location on under-utilised land within a well serviced, outer suburban area in close proximity to the city centre, public transport facilities, and a wide range of services, amenities and facilities;

(e) the established pattern and character of existing development in the area; and

(f) the design, form, height, materials and external finishes for the dwelling, the internal layout of the proposed residential units and private open space provision,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the national strategic policy and local development policies and objectives for the area, would not seriously injure the integrity, setting and character of the protected structure, or the visual and residential amenities of the area, would not adversely affect traffic safety, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 15<sup>th</sup> of February 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.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of the development, the applicant shall submit and agree in writing proposals for increased on site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*.

**Reason:** In the interest of public health.

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

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

**Reason:** In the interests of visual and residential amenities.

5. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of pedestrian, cyclist and traffic safety.

6. Prior to the commencement of the development the following shall be submitted to and agreed with the planning authority in writing:

(a) Proposals to setback boundary all along Scholarstown Road along the full length of the site boundary to provide for a shared footpath and cycle lane similar to the shared footpath on the western side of Scholarstown Road.

- (b) Details of height and specification for the new boundary wall to be provided;
- (c) The applicant shall provide the new footpath and cycle lane along Scholarstown Road in accordance with the requirements of the planning authority
- (d) Details of replacement bellmouth access to Mount Michael house of Scholarstown Road which will be a pedestrian access only;
- (e) Details of proposed recessed access to Dwelling No. 7 of Scholarstown Road including adequate sightlines in both directions

**Reason:** In the interests of traffic and pedestrian safety.

- 7. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity

- 8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of amenity and of the proper planning and sustainable development of the area.

- 9. 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. All existing over ground cables shall be relocated underground as part of the site development works.



**Reason:** In the interests of visual and residential amenity.

10. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

**Reason:** To ensure full and verifiable implementation of the approved landscape design.

11. All of the houses shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. 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 interests of visual and residential amenity.

13. The demolition and clearance of the site and the construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity, amenities, public health and safety and sustainable development.

14. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

**Reason:** In the interests of public safety and residential amenity.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2)

and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

20. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

21. 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, 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Caryn Coogan  
Planning Inspector

29/09/2019