



An
Bord
Pleanála

Inspector's Report

ABP-304458-19

Development	4 houses and 5 apartments, new vehicular access and associated site works
Location	Coolamber, Stocking Lane, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0058
Applicant(s)	Matt and Lucia Barnes
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Matt and Lucia Barnes
Observer(s)	Brenda Weir
Date of Site Inspection	15th August, 2019
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located to the south of Ballyboden in south county Dublin and is located on the eastern side of Stocking Lane which runs from the junction with Edmonstown Road in a southerly direction towards the M50.
- 1.2. The site comprises part of a larger existing residential site which has a large house located at its northern end. This house is two storey in design and has a number of single storey extensions and elements at the southern end. Access to the existing site is via a vehicular entrance at the northern end of the existing road frontage and the northern end of the site contains a parking area and driveway. The area to the west and south of the house comprises a garden area which is proposed to comprise the development site.
- 1.3. The existing roadside boundary to Stocking Lane comprises an earthen bank with mature trees and hedgerow along this frontage. This mature planting extends to the southern boundary of the site. To the south, the site is bounded by a vehicular access from Stocking Lane and a house located at the south east corner of the appeal site. Beyond this house is a significant area of undeveloped lands, and beyond this is the Prospect Estate of two storey semi detached houses.
- 1.4. To the north, beyond the existing Coolamber site is located a large house called 'Rookwood'. To the west, on the opposite side of Stocking Lane from the appeal site and enclosed by Stocking Lane to the east and the Scholarstown Road to the north, is the Scholarstown Wood residential development. The most recent phases of this development adjacent to Stocking Lane have recently been completed and the western side of Stocking Lane in the vicinity of the site has a cycle path and footpath. The Ballyboden council waterworks are located to the south west of the site on the opposite side of Stocking Lane.
- 1.5. The site is relatively level and extends to the west, south and south east of the existing house, Coolamber. The stated area of the site is 0.2 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a residential development of 4 no. three storey houses and a three storey duplex apartment block comprising 1 no. one bed unit, 3 no. two bed units and 1 no. three bed unit. The development is proposed to be accessed via a new access onto Stocking Lane and the construction of a new access road.
- 2.2. The three houses are proposed to wrap around the existing house, 'Coolamber' with one located to the immediate south west of the house and north of the access road and the other three houses located on the eastern side of the site and to the south east of 'Coolamber'. The three storey duplex block is proposed to be located close to the south west corner of the site and to the south of the access road. The separation distances proposed between the proposed houses and the existing dwelling on site are tight, with unit 4 on the western side of 'Coolamber' located within approximately 4 metres and unit 3 to the east within slightly less than 4 metres.
- 2.3. The 4 no. houses are proposed to have dedicated private amenity spaces of c.70 sq metres each and the duplex units are proposed to be served with their own balconies or terrace areas. To the rear of the duplex block, an area of public open space measuring approximately 200 sq. metres is proposed.
- 2.4. Parking within the development is proposed at the rate of two spaces for each of the houses and one space for each apartment unit, plus an additional 2 no. visitor spaces.
- 2.5. At the new site access onto Stocking Lane, the submitted plans indicate a sight line of 45 metres in each direction being provided. A new set back western site boundary is proposed from the southern end of the road frontage to the existing entrance to 'Coolamber' to the north. This set back requires the removal of the existing roadside vegetation and trees and a new 1.8 metre wide footpath is proposed along the full length of the frontage. The layout proposes replacement tree planting along the roadside frontage of the site.

- 2.6. The development is proposed to be connected to the public water and waste water services which are located in Stocking Lane. The existing connection to the septic tank that is located on the lands to the north (Rockwood Lodge) is therefore proposed to be disconnected.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse Permission for 7 no. reasons, which can be summarised as follows:

1. That the proposed development would seriously injure residential amenity of property in the vicinity by virtue of overshadowing, overlooking and loss of privacy. In particular the proximity of Units 3 and 4 to the existing dwelling on site 'Coolamber'.
2. That units 5 and 6 have direct access between the private open space areas for these units and the public open space contrary to Policy H15 of the Plan.
3. That the location of the public open space is sub standard being located to the rear of the proposed apartment block and directly abutting lands to the south contrary to the residential zoning objective of the site.
4. That the bin and bike storage area layout would impact negatively on the residential amenity of the development and property in the vicinity.
5. That there is a lack of details of landscaping of the site including the impact of landscaping on services, distinction between private semi private and public open space, play areas and incorporation of green infrastructure and SuDS. The proposed development would therefore be contrary to the residential zoning objective of the site.
6. That insufficient details regarding surface water attenuation have been submitted and the attenuation proposed is undersized by 25 percent. Compliance with the Greater Dublin Area Code of Practice for Drainage

Works has not been demonstrated and the proposed development would therefore be contrary to public health.

7. That the proposed development would result in the removal of a significant number of mature trees on the site particularly along Stocking Lane which is a feature of the road in this location. There is also a lack of an ecological report to assess the impact of the removal of these trees. The proposed development would therefore be contrary to Policies G2 and HCL15 of the plan regarding green infrastructure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the content of the internal reports received and particularly the Parks and landscape Services report which recommends refusal of permission. The layout of the proposed development in terms of relationship to the existing house in particular is questioned as are the proposals for surface water drainage and the protection of existing trees on the site. Refusal of permission consistent with the Notification of Decision to Refuse Permission which issued is recommended.

3.2.2. Other Technical Reports

Water Services – Further information recommended regarding inadequate surface water attenuation capacity, SuDS.

Roads Department – Further information recommended relating to sight lines at the proposed access, provision of a shared 3.0 metre wide cycle and footpath.

Parks and Landscape Services – Refusal of permission relating to a number of issues recommended. These include loss of trees, SuDS measures and open space provision.

Conservation Officer – Recommends further information.

3.3. Prescribed Bodies

Irish Water – No objection subject to conditions.

3.4. Third Party Observations

A number of third party submissions were received by the planning authority, principally from the residents of the residential area to the south of the site (Prospect residential area). The main issues raised in these submissions were as follows:

- Traffic impacts and increased congestion on local roads.
- Scale of the development in particular the apartment building.
- Overdevelopment of the site.

4.0 Planning History

The following planning history relates to the appeal site:

- South Dublin Co. Co. Ref. SD05A/0376 – Permission granted for new façade to existing house and for a new two storey extension as well as retention of conservatory.

The following planning history is considered to be of relevance to the appeal:

- South Dublin County Council Ref. SD18A/0225 – Permission refused on a 2.4ha. site to the south of the current appeal site for the construction of three apartment blocks of two and three storeys in height and providing a total of 46 no. apartments. Permission refused for 8 no. reasons relating to poor standard of residential layout, inadequate open space, non compliance with DMURS, inadequate surface water details, poor standards of single aspect units, poor level of urban design, failure to meet minimum house unit sizes and inadequate landscaping proposals.

- South Dublin Co Co. Ref. SD18A/0369; An Bord Pleanala Ref. 303290 – Permission granted by the Planning authority and upheld on appeal for the reconfiguration and extension of a permitted apartment block on a site located to the west of the site between Stocking Lane and Scholarstown Road.
- South Dublin Co. Co. Ref. SD15A/0017; An Bord Pleanala Ref. 244732 – Permission granted by the Planning authority and decision upheld on appeal for the construction of 247 houses, 70 apartments, crèche and all associated site works on a site located south of Scholarstown Road, west of Stocking Lane, north of Ballyboden Waterworks and east of Woodfield, Ballyboden, Dublin 16.

5.0 Policy Context

5.1. Development Plan

The appeal site is zoned Objective RES *'to protect and or improve residential amenity'*, under the provisions of the South Dublin County Development Plan, 2016-2022.

Section 2.4.0 of the plan relates to residential consolidation and includes policies for infill, backlands and sub division of sites.

Section 2.3.0 relates to quality of residential development.

Housing policies H12 relates to public open space and H13 to private and semi private open space.

5.2. Natural Heritage Designations

The site is not located in or close to any European site.

6.0 The Appeal

6.1. Grounds of Appeal

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

- That the view of the planning authority regarding overshadowing and overlooking is a subjective position taken by the Planning authority without any clear evidence.
- That the main aspect of the living room window in Coolamber faces south and neither units 3 or 4 would overshadow the house as provided for in section 3.2.11 of the BRE Guidelines.
- Regarding sunlight to the garden, at least half of the garden to Coolamber receives in excess of 2 hours of sunlight on 21st March. The proposed development is therefore consistent with the requirements of BRE guidelines section 3.3.17 regarding shadowing impact on open space areas.
- The layout is such that there would be no direct overlooking at first floor level between the existing house and the proposed development.
- That there is no standard with regard to the proximity of development to a site boundary. The residential zoning objective requires development to be undertaken in a sustainable manner and the existing density of development is not sustainable or such that it would improve residential amenity.
- Regarding the connection between the terraces serving units 5 and 6 the public open space, there is no specific provision that prohibits such a layout and it is one that is frequently done. A small revision is proposed (indicated in Drg. 2258-26A that provides some additional screening to the private terrace areas serving these units.
- Revisions are also proposed to the layout of the bin / bike store area with a wall now proposed between the two bike store areas, (Drg.2258-26B). it is requested that the Board would require this revision as a condition attached to any permission.

- That the public open space is appropriate for the scale of development and that its location is relevant having regard to the future context of the site and particularly the future potential for the development of the lands to the south for residential use. Any future application on the lands to the south is likely to have the area of public open space located close to the southern boundary of the current appeal site.
- Noted that it is often the case that residential developments of this scale would not have dedicated public open space especially where there are good amenities in the surrounding area.
- That the public open space area would be well overlooked and supervised by the apartment units.
- That the issue of the layout of the bin and bike store is not a justifiable reason for refusal and proposals for the separation of these areas have been submitted with the appeal.
- An arborist report and recommendations for tree protection measures is submitted. Additional street trees are proposed to be planted that would match the number of trees to be lost with the removal of the existing boundary. Details of the revised / new boundary treatment are submitted and propose the replacement of the existing 1 metre high sloped bank and the use of a double line of trees on both sides of the footpath.
- Clarification regarding the proposed areas of private, semi private and public open space is submitted with the appeal. The 200 sq m area of open space within the site is proposed to be for the use of all residents. It is stated that it is proposed that the footpath area would be public open space that would be taken in charge.
- Report from engineer submitted setting out how the proposed development does comply with the requirements of SUDS. The local authority will not have to take the drainage system in charge as it will be covered by the management company for the development. Reason for refusal 5 does not include any technical reason for refusal and is subjective.

- That the submitted engineers report clarifies that the proposed 30 cubic metre attenuation is the correct volume to account for both a 1 in 30 and 1 in 100 year storm event. Requested that permission is granted with the condition that the attenuation is sized in accordance with the requirements of the local authority.
- That the roadside trees have already been the subject of an incident where some fell into the road hitting a car. The risk of trees along the roadside boundary falling is such that all the trees along that boundary need to be felled.
- Submitted that an ecological report is not normally required for a development / site of this scale. A bat survey was not undertaken as the scale of site suggested that it was not required.
- That the proposal as submitted to the board proposes an increase in the number of trees along the road to provide a dense cover in line with the original character. A total of 50 no. roadside trees are proposed to replace the existing 30 no.
- The development would be considered in the context of the requirements of Policy G2 Objective 11.

6.2. Planning Authority Response

Submission received stating that the Planning Authority confirms its decision and that the issues raised in the appeal have been considered in the report of the Planning Officer.

6.3. Observations

An observation on the appeal has been submitted on behalf of Ms Brenda Weir who is the mother of the first party and who resides to the north of the appeal site in Rookwood Lodge. The following is a summary of the main issues raised in this submission:

- That the context of the site is residential with Coolamber House, Rookwood to the north, the established Brookwood estate located to the south and the under construction Scholarstown Wood estate located to the west.
- That the proposed development would cater for future generations of the family.
- That there is a need that large housing sites such as the appeal site need to be better utilised.
- That the area is not rural contrary to the statements of the Planning Authority. The site is located within a maturing residential area and on a site zoned RES. The site may be rural in character but does have an existing suburban character.
- That the wider area has undergone changes and increased densities and the current proposal is part of this process.
- That the development will result in the provision of a much needed footpath and connection on the eastern side of the road.
- That the development will result in 'Coolamber' site being connected to the public drainage system.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Principle of Development and Zoning
- Impact on Visual Amenity and Ecology
- Design and Impact on Residential Amenity,
- Traffic and Access
- Site Servicing
- Appropriate Assessment.

7.2. Principle of Development and Zoning

- 7.2.1. The appeal site is zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022*. The stated zoning objective is *'to protect and /or improve residential amenity'*. Under this land use zoning objective a residential use is identified in the development plan (Table 11.2) as permitted in principle. In principle, the form of development proposed in the subject application is therefore consistent with the residential zoning objective of the site.
- 7.2.2. The development plan also contains a number of policies that are supportive of the principle of infill development / consolidation of residential areas. Specifically, Housing policy 17, regarding residential consolidation, includes Objective 1 that aims *'to support residential consolidation and sustainable intensification at appropriate locations...'* and Objective 2 which aims *'to maintain and consolidate the County's existing housing stock through the consideration of applicationsbackland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation'*.
- 7.2.3. The form of development proposed would, in my opinion be consistent with the general aims of urban consolidation as set out in Policy H17 and section 2.4.0 of the Plan and the scale and context of the appeal site is such that some form of backland or infill development is appropriate and feasible on the appeal site.
- 7.2.4. While the location of the appeal site currently has a rural character by virtue of its situation as part of a historically large house plot and the extensive vegetation on the site particularly along Stocking Lane, I would agree with the third party observer that the general context of the site is not rural in character. The site is located within an area that has and continues to be the subject of urban development and both the appeal site and the adjoining un developed lands are zoned for residential development with no specific objectives relating to density. .
- 7.2.5. I note the fact that lands measuring c.2.4 ha. to the south of the current appeal site are in the ownership of the mother of the first party, and that a recent proposal for the development of these lands for residential use was refused permission by the Planning Authority, (Ref. SD18A/0225). There would therefore appear to be some scope for the development of the appeal site to be seen in the context of the overall development of a larger site which incorporates the 2.4 ha. site to the south.

7.3. Ecology and Impact on Visual Amenity

- 7.3.1. The scale of development proposed at three storeys for the duplex apartment building and the two storey plus dormer houses are not of particularly significant scale with a maximum overall height of 10.3 metres. As noted above, the context of the site has changed with recent developments on surrounding lands, in particular the Scholarstown Wood development on the western side of Stocking Lane and the construction of a footpath and cycle path on this side of the road. Having regard to this changed context, I do not consider that the proposed development would have a significantly negative impact on the visual amenity or landscape of the area.
- 7.3.2. Reasons for Refusal Nos. 5 and 7 relate to the proposed removal of trees from the site and to the lack of landscaping details for the site. Reason No.7 specifically identifies the number of trees along Stocking Lane that would be lost as a result of the development. The setting back of the site boundary along Stocking Lane is necessary to provide adequate sight lines at the entrance. It is also necessary to provide a footpath / cyclepath along the site frontage and therefore even an access further to the south that would serve a larger site that incorporates the current appeal site would not facilitate the long term retention of the roadside trees. Issues raised by the first party regarding the safety of the existing roadside trees and the recent incidents of trees falling into the road are noted as are the proposals for the replacement of the existing boundary with a total of 50 no. new trees in a double row of planting. The proposed replacement planting along the boundary to Stocking Lane is in my opinion acceptable and such that over time the visual impact of the loss of the existing roadside trees would be partially mitigated.
- 7.3.3. Within the site, a tree survey has been submitted (Drg 2258-13-A) and trees for removal (29 no.) identified. The first party appeal submission includes an Arborist report and Tree Condition report. A very limited number of existing trees are proposed for retention although significant replacement planting in the south west corner as well as along the western boundary is proposed. Reason for refusal No.5 relates to a lack of details relating to landscaping, however I consider that there is sufficient information presented with the application to enable an assessment of the impact of the development on existing trees, visual amenity and landscaping to be

undertaken. While the development would result in a very significant change in the character of the site by virtue of the loss of existing mature vegetation, significant re planting would be undertaken such that the visual impact of the development would be mitigated to a significant extent. Other issues raised in reason for refusal 5 relating to the distinction between private semi private and public open space and play areas have, in my opinion been clarified by the first party or could be made the subject of agreement by way of condition in the event that permission was granted.

- 7.3.4. Reason for refusal 7 makes reference to the lack of an ecological report to assess the impact of the removal of these trees, resulting in the development being contrary to Policies G2 and HCL15 of the plan regarding green infrastructure. I note however that there is no indication that the site is of particular ecological significance other than the loss of existing green space to development.

7.4. **Design and Impact on Residential Amenity,**

- 7.4.1. The **internal layouts** of the residential units, both houses and apartments, are consistent with Housing Policy 14 of the development plan and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and Quality Housing for Sustainable Communities and the Design Standards for New Apartments (2018). The floor area of the proposed houses is 170 sq. metres while those of the apartment units varies between 54 sq. metres for the one bed unit 65-71 sq. metres for the two bed unit and 129 sq. metres for the three bed unit.
- 7.4.2. The **private open space** provision for the housing units comprises a total of 70 sq. metres for each of the four housing units. The level of amenity space provision for the house units is therefore considered to be acceptable. Private amenity space provision for the apartment units is proposed to be provided in the form of private terraces and balconies. The area of these private amenity spaces varies between 6 and 9 sq. metres and are consistent with the minimum private amenity space requirements as set out at Appendix 1 of the 2018 apartment guidelines.
- 7.4.3. One of the concerns of the planning authority related to the proximity of the proposed private amenity spaces serving apartment units 5 and 6 to the area of public open space serving the development and the availability of a direct linkage between these areas. The fact that the amenity spaces serving these units have direct access to

the public open space located to the south of the apartment building is noted as are the alterations to the layout in this area submitted by the first party as part of the appeal submission with the inclusion of additional screens and the removal of the direct access. In principle, with the revised layout at proposed by the first party and indicated on Drg. 2258-26A, I consider that the relationship between the private terraces and the public open space area is acceptable and I would not agree with the Planning Authority that it is contrary to Policy H15 of the development plan. I do, however, agree with the Planning Authority that the location of the area of proposed **public open space** is problematic being located to the rear of the proposed duplex block and physically removed from the house units within the proposed development.

- 7.4.4. The first party makes the case that the **public open space** location is justified having regard to the likely future layout of the public amenity space in the future development of adjoining lands to the south. Development of this adjoining site for residential use has previously been refused by the planning authority (South Dublin County Council Ref. SD18A/0225) for a significant number of reasons including poor standard of residential layout, inadequate open space and poor level of urban design. The fact that there may be a future application for residential development on the adjoining site does not in my opinion justify the proposed layout and location of public open space within the subject development, and to permit the proposed development on this basis would be to prejudice the potential future layout of development on the adjoining lands. Notwithstanding the fact that the public open space area would be overlooked by the apartment units on the southern side of the duplex block, it is my opinion that the space is excessively physically separated from the rest of the site and such that it would be contrary to the provisions of the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and specifically Section 7 (Layout) which stresses the importance of a clear distinction between public and private amenity space and that public open spaces should be clearly defined as such and *'should not be located at the foot of apartment buildings, inside cul de sacs or in any other area that may be perceived to be private'*. Section 8 of the manual specifies that all public open space should be overlooked by surrounding homes and that it is an integrated element into the design of the development. These requirements are not, in my

opinion adequately met in the proposed development and the layout of the public open space would result in a sub standard level of residential amenity.

- 7.4.5. Units 3 and 4 at the northern end of the site are located in very close proximity to the existing house on the site ('Coolamber') with Unit 4 to the west being within c.2 metres at the closest point and Unit 3 to the east at c.3.8 metres at the closest point. The design of **Unit No.4** is a B type which faces south and is designed such that it would not have any windows in the east facing elevation closest to 'Coolamber'. While the design of Unit 4 is such that there would not be any direct overlooking of the existing dwelling ('Coolamber'), I note that the rear of Unit 4 would overlook the garden area proposed to be retained to the west of 'Coolamber' with first floor windows located within 4 metres of the shared boundary. I also consider that the scale and height of the proposed Unit 4 and its proximity to the western elevation of 'Coolamber' is such that it would have an overbearing visual impact on the existing dwelling on site.
- 7.4.6. In the case of the proposed **Unit 3** to the east of 'Coolamber', the front elevation would overlook the conservatory and living accommodation at the southern end of 'Coolamber' and such that there would be a significant loss of amenity for the future occupants of 'Coolamber' by reason of overlooking and visual intrusion. For these reasons, I consider that the reason cited by the Planning Authority in reason for refusal No.1 relating to overlooking and loss of privacy is appropriate. I note that the wording of reason for refusal No.1 also makes reference to the potential for overshadowing and that this is contested by the first party who note the location of the proposed units to the east and west of the existing house and contend that the requirements of the BRE guidelines will be met in the development. No specific daylight and sunlight assessment of the proposed development has been submitted and given the layout of 'Coolamber' I would agree that the impact on daylight to the main living rooms would potentially be such that the BRE requirements are met.
- 7.4.7. Reason No. 4 states that the **bin and bike storage area** layout would impact negatively on the residential amenity of the development and property in the vicinity and I would agree that the shared bike and bin storage and its location as originally proposed is not acceptable. Revised proposals for the bin storage area have been submitted by the first party as part of the appeal, (Drg.2258-26B) and it is requested that the Board would require this revision as a condition attached to any permission.

The amendments proposed comprise the relocation of the bin store area to the eastern side of the duplex block with the bike store retained on the northern side. This revision results in the loss of the east facing window to the living area of Unit No.6, and the bin storage area would also appear to be small to cater for 5 no. units. Given the substantive issues regarding the proposed layout and residential amenity it is not considered that the issue of bin storage justifies refusal of permission.

- 7.4.8. Overall, it is my opinion that while the principle of infill residential development on the site is acceptable, and there is no objection to the scale of units, the layout of the development is such that it is excessively close to existing buildings resulting in a loss of residential amenity by virtue of overlooking and overbearing visual impact, does not provide an adequate level or standard of public amenity space and would result in an overall poor standard of residential amenity for future occupants of the development. The option of omitting units 3 and 4 which have the most significant negative impact on residential amenity was considered, however the location of the duplex block and the public open space is also considered to be a significant issue in the proposed layout. The omission of units 3 and 4 would enable the provision of additional public open space in a more central part of the site, however such space would also not be particularly well supervised or located within the overall development. It is therefore considered that a more comprehensive re design of the scheme is required that is beyond the scope of alterations that could be required by way of condition.

7.5. Traffic and Access

- 7.5.1. The development proposes the creation of a new access onto Stocking Lane at a point where the speed limit is 50 km/hr. The submitted layout indicates a sight line of 45 metres in each direction at the proposed access which is slightly less than the 50 metres required under DMURS. At the time of inspection traffic speeds were observed to be high on Stocking Lane in the vicinity of the proposed entrance and in the event of a future application for permission, clarification of the actual speeds in the form of a speed survey should undertaken and used to inform the entrance design. At the time of inspection of the site it was observed that the available sight lines when existing the existing entrance to Coolamber are seriously deficient and in

the event that a future application for development was being considered, the option of using a new access point to access Coolamber could be incorporated.

- 7.5.2. Parking within the development is proposed at the rate of 2 no. space per residential unit with a further 1 no. space per apartment unit and two visitor spaces. This parking provision is consistent with the provisions of the development plan and is considered to be acceptable. I note the location of the two parking spaces proposed to serve Unit No.4 relative to the site entrance and consider that these are excessively close to the entrance. As set out in 7.4 above, Unit 4 is not considered to be acceptable in terms of residential amenity.
- 7.5.3. The submitted layout indicates the setting back of the roadside boundary and the provision of a new 1.8 metre wide footpath along the site frontage with an additional 1.0 metre verge. The report of the Roads Department of the council notes the fact that there is a long term road objective along Stocking Lane to upgrade the route and to provide enhanced pedestrian and cycle facilities. It is therefore recommended by the Roads Department that a three metre wide shared pedestrian and cycle path would be provided across the frontage of the site. I note the fact that there is a recently constructed cycle path on the opposite (western) side of Stocking Lane, however having regard to the roads objective and the busy nature of the road it is considered appropriate that provision would be incorporated for a cycle and pedestrian path along the frontage of the site. This should be incorporated into any revised scheme submitted.
- 7.5.4. I note and generally agree with the comments of the Roads Department regarding the need for clear identification of the access road as a shared surface given the absence of any footpath within the scheme. In the event that permission was being considered details could be required by way of condition.

7.6. **Site Servicing**

- 7.6.1. The development is proposed to be served by connections to the public water and waste water systems and Irish Water have reported that there is no objection to the proposed development. The existing house on site is connected to a septic tank that is shared with the adjoining house to the north and which is located on this adjoining

site. The granting of permission would enable the connection to this septic tank to be de commissioned which is to be welcomed.

- 7.6.2. Reason for refusal No. 6 included in the notification of decision to refuse permission states that insufficient details regarding surface water attenuation have been submitted with the application and that the attenuation proposed is undersized by 25 percent. It is also stated that compliance with the Greater Dublin Area Code of Practice for Drainage Works has not been demonstrated and the proposed development would therefore be contrary to public health.
- 7.6.3. The first party appeal includes an engineer's report which sets out a justification as to why the proposed 30 cubic metre attenuation is the correct volume to account for both a 1 in 30 and 1 in 100 year storm event and it is requested that permission is granted with the condition that the attenuation is sized in accordance with the requirements of the local authority. The extent of the difference in the assessments of required attenuation is in my opinion such that agreement with the local authority is required prior to the granting of permission. I also note the fact that the form of attenuation proposed (aquacell) is not approved of by the Water Services Section and, notwithstanding the fact that the first party state that the surface water attenuation system would not be taken in charge, I consider it appropriate that the form of attenuation would also be agreed with the local authority in advance.

7.7. Appropriate Assessment.

- 7.7.1. The site is not located in or close to any European site and the form of development proposed is such that it would be connected to the public water and waste water networks. There are not therefore any direct pathways for foul water between the site and any European sites. The nature and scale of development comprising 4 no. additional units with a holiday accommodation / short term letting use is not such that it is a significant intensification of the use of the site.
- 7.7.2. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the siting and orientation of Units 3 and 4 and the scale and proximity of these units relative to the existing adjoining dwelling 'Coolamber', it is considered that the proposed development would constitute the over development of the site and have a negative impact on the amenity of the future occupants of 'Coolamber' by virtue of overlooking, overbearing visual impact and visual intrusion. The proposed development would therefore seriously injure the amenities of property in the vicinity, would be contrary to the residential zoning objective of the site and the protection of residential amenity and would be contrary to the proper planning and sustainable development of the area.
2. The location of and access to the area of public open space at the southern end of the site is such that it would result in a sub standard layout and level of residential amenity by virtue of being poorly supervised with a poor distinction between public and private areas and inadequate integration into the overall development. The proposed development would therefore seriously injure the amenities of future occupants of the development, would be contrary to the provisions of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and particularly sections 7 (Layout) and 8 (Public Realm) of the accompanying Urban Design Manual and would therefore be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

30th August, 2019