



An  
Bord  
Pleanála

## Inspector's Report ABP-304638-19

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<b>Development</b>	Demolition of a house and construction of a 5 terraced houses.
<b>Location</b>	2, Springfield Park, Templeogue, Dublin 6w
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD19A/0095
<b>Applicant(s)</b>	Sagarine & Pauline Chetty.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v. Decision.
<b>Appellant(s)</b>	Sagarine & Pauline Chetty.
<b>Observer(s)</b>	David Rehill and Niamh O'Reilly.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> September 2019.
<b>Inspector</b>	Susan McHugh

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## 1.0 Site Location and Description

- 1.1.1. The appeal site is located within an established residential area in Templeogue, approx. 100m to the east of the junction between Templeogue Road R137 and Springfield Avenue R112.
- 1.1.2. Templeogue village is located approx. 300m to the west, and Rathfarnham shopping centre and Bushy Park are located approx. 300m to the east. Our Lady's School and Terenure College are located approx. 600m to the north.
- 1.1.3. The appeal site is situated at the junction between Springfield Avenue & the entrance to the Springfield Park estate. The corner site is adjoined to the north west by two storey terraced housing addressing Springfield Avenue, and to the south west by two storey semidetached houses addressing Springfield Park Road.
- 1.1.4. The existing single storey 'L' shaped house on site is accessed from Springfield Park Road. Double yellow line road markings extend southward from the junction along both sides of Springfield Park as far as the existing entrance to the appeal site. A yellow box road marking is in place on the westbound lane of Springfield Avenue, at the junction with Springfield Park. Cycle lanes are located along both sides of Springfield Avenue.
- 1.1.5. The site is bounded along the north western boundary by mature panting and trees, along the northern and eastern boundary by mature hedging and along the south western boundary with house no. 4 Springfield Park, by a block wall with wooden fencing above. There is a fall in site levels between the subject site and that of house no. 4 Springfield Park.
- 1.1.6. The site is roughly rectangular in shape and has a stated area of 0.105ha.

## 2.0 Proposed Development

- 2.1.1. Permission is sought to demolish the existing single storey house on site which has a stated floor area of 202.0sqm.
- 2.1.2. It is proposed to construct 5 no. terraced, 2 storey plus attic, 3 bed dwellings units, comprising;
  - 4 no terraced houses on sites 1,2,3 & 4 with a floor area of 128.34sqm.

- 1 no. terraced house on site no. 5 with a floor area of 130.55 sqm.
- 2.1.3. The terrace would be set back approx. 8.8m from the north western boundary in line with existing houses along Springfield Avenue, with rear gardens backing onto the gable and rear garden of house No. 4 Springfield Park. To the rear the rear garden is accessed via double doors set within a bay at ground floor, and rooflights to the rear roof slope. The ridge height of the terrace is 11.5m.
- 2.1.4. External finishes include red clay facing brickwork, with sandstone detailing to window surround, selected render to gable and bangor blue slate. Zinc cladding is proposed to dormer windows, and first floor bay window and timber doors.
- 2.1.5. 10.no. parallel parking spaces are proposed along the frontage to and perpendicular with Springfield Park. Each unit will have two car parking spaces.
- 2.1.6. A landscaped area of open space 340sqm in area is proposed to the front of the dwellings, with screen planting proposed along the boundary with Springfield Avenue. Boundary treatments include concrete post and timber plank fencing to rear side boundaries, while the existing boundaries to adjoining dwellings are to be retained
- 2.1.7. Rear gardens for the terraced houses range between 36.17sqm and 37.89sqm, while the end terrace house no. 1 is provided with 73.91sqm of private amenity space.
- 2.1.8. An attenuation tank located in area of open space to the front of the terrace.
- 2.1.9. The application was accompanied by:
- Schedule of Accommodation – Mackay Architecture - design
  - Services Report – Kavanagh Ryan & Associates Limited, Civil Engineers
  - Statutory Declaration with respect to an Exemption under Part V

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to **refuse** planning permission for 3 no. reasons as follows;

#### 1. *Residential Amenity*

'The proposed development is located in an area zoned 'RES' in the South Dublin County Development Plan 2016-2022, with an objective 'to protect and/or improve residential amenity.

Having regard to:

- (a) The policies of the Planning Authority, as set out in Section 11.3.2(i) 'infill development of the Development Plan;
- (b) The pattern of development in the area;
- (c) The restricted size and configuration of the site;
- (d) The inadequate provision of private amenity space for each dwelling;
- (e) Inadequate bin storage provided;
- (f) The overbearing visual impact of the proposed development, and the consequent loss of amenity for No. 4 Springfield Park;
- (g) The risk of overlooking and loss of privacy at No. 4 Springfield Park;

The proposed development would contravene the policies on infill development and backland development, would result in a cramped form of residential development, would result in overdevelopment of a restricted site, and would comprise substandard residential amenity for both the proposed houses and existing neighbouring houses. The proposed development would therefore materially contravene the 'RES' land-use zoning objective for the area in the County Development Plan and would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.'

## 2. *Endanger Public Safety*

‘Having regard to the expanse of perpendicular parking proposed in close proximity to the entrance to a housing development containing 60 houses and the limited sightlines available from the proposed car parking bay proximate to a junction. The proposed development would set an undesirable precedent for similar type developments in the area, is out of character with the area and the Planning Authority is not satisfied on the basis of the information submitted that the proposed development would not endanger public safety by reason of traffic hazard where the footpath to a residential estate is crossed by an unbroken bank of car parking spaces.’

## 3. *Surface Water Drainage*

‘Having regard to the lack of information submitted in relation to surface water proposals on site, in particular the inadequate information submitted in relation to surface water attenuation calculations. The Planning Authority is not satisfied on the basis of the information submitted that the proposed development would not be prejudicial to public health and would be contrary to the Green Infrastructure policies of the South Dublin County Development Plan 2016-2022.’

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Report** (dated 15/05/2019)

Basis for planning authority decision includes;

- Residential development is acceptable in principle.
- *Residential Density* - is 47.6 dwelling per Ha which is within the range specified by Policy H8 Objective 6 of the County Development Plan. A lower density may be more appropriate however if the site cannot adequately accommodate this density of development.
- *Infill Development* - Proposed development does not fulfil the criteria for infill development under section 11.3.2(ii), as no site analysis or character

appraisal has been provided, architectural integration has not been illustrated and significant site features such as boundary treatment, gateways and vegetation are not being retained.

- *Height* - The proposed dwellings present as 2-storey dwellings to the rear and as 3-storey to the front and may not be appropriate under Objective 6 of Policy H8 of the county development plan and section 11.2.7 which requires a separation distance of 35m between existing 2-storey residential buildings and proposed taller buildings. No contextual elevations were provided.
- *Separation Distances* - The proposed terrace is approx. 7.5m from the boundary with No.4 Springfield Park, with 2 proposed dwellings located west of the rear building line of No. 4. There is potential for excessive overlooking of the rear garden which runs perpendicular to the orientation of the proposed dwellings. This would also create an overbearing visual impact on No. 4 Springfield Park, owing to the height and proximity of the 2 westernmost dwellings in relation to the rear garden of no. 4.
- *Impact on Springfield Avenue* – Proposed development is of a very different and distinct form than that which exists on Springfield Avenue and Springfield Park. Photomontages submitted show several mature trees to the front of the site, but it is not clear from the Landscape Plan that such planting is proposed as part of the development.
- *Overdevelopment* – Concerns with height, separation distances, overlooking and overbearing visual impact when considered in tandem suggest overdevelopment of the site.
- *Internal Residential Layout* – Units comply with standards specified in the ‘Quality Housing for Sustainable Communities – Best Practice Guidelines (2007), with the exception of aggregate living area, this small deficiency can be easily rectified.
- *Refuse Storage* – No details have been provided as to the no. of bins and or whether they are to be communal.
- *Private Open Space and Communal Open Space* – The proposed dwellings do not comply with Table 11.20 of the South Dublin County Development Plan

2016-2022. There is 340sqm of communal open space proposed for the development, and it is not clear why the units cannot be accessed from Springfield Avenue which would accord more with the character of the area.

- *Public Realm Department* – The report recommends 12 conditions, some of which require major changes to the layout and would require the removal of one of the units. It is unclear how the applicant could rectify the multiple issues raised without fundamentally changing the proposed development and adequate layout would constitute a new proposal.
- *Parking and Access* – There are two parking spaces proposed per dwelling, this is the maximum allowable under Table 11.24 of the County Development Plan. The new parking spaces would require the removal and dishing of 25 metres of the public footpath along Springfield Park, and leaves an open permeable boundary at the site. Serious concerns about the proposed parking layout, which would discourage pedestrian activity. The site would appear to have capacity for on-curtilage parking and required changes would require a fundamental change to the proposal which would constitute a new proposal.
- *Water Services* – Notes report of Environmental Services Department and request for further information, and that the Public Realm Department have queried the SUDs proposals, both of which would require revised proposals prior to any grant of permission.
- *Concludes* - that the proposed development;
  - constitutes overdevelopment on a constrained site;
  - would create a harsh and potentially hazardous urban environment for pedestrians on Springfield Park;
  - does not meet the criteria for development under section 11.3.2(i) 'Infill Sites'
  - does not accord with Council Policy on sustainable urban drainage systems and Green Infrastructure;
  - would detrimentally alter the residential character of the area; and



- would seriously injure the residential amenity of the surrounding area, in particular Springfield Park;

and would therefore materially contravene the 'RES' land-use zoning objective, would be contrary to the policies and objectives of the South Dublin County Development Plan 2016 2022, and would not accord with the proper planning and sustainable development of the area, and that permission should therefore be refused.

### 3.2.2. Other Technical Reports

**Roads Department Report:** No objection subject to conditions.

**Water Services:** Recommends further information in relation to surface water drainage calculation details.

**Parks and Landscape Services/Public Realm:** No objections subject to a number of detailed conditions in relation to tree protection, planting, and the omission of one unit.

**Environmental Health Officer:** No objection subject to conditions.

### 3.3. Prescribed Bodies

**Irish Water:** No objection.

### 3.4. Third Party Observations

3.4.1. Four third party observations were lodged with the planning authority from the following parties;

- |                              |                                   |
|------------------------------|-----------------------------------|
| • Owen and Margaret O'Kelly  | 4 Springfield Park, Templeogue    |
| • David Rehill               | 10 Springfield Park, Templeogue   |
| • Kieran and Sinéad Donoghue | 16 Springfield Park, Templeogue   |
| • Jason and Kyra Jensen      | 18 Springfield Avenue, Templeogue |

3.4.2. Issues raised can be summarised as follows;

- Out of character / Visual Impact

- Overlooking, overshadowing
- Overdevelopment
- Traffic and Pedestrian Safety
- Refuse storage
- Sewage difficulties
- Ground subsidence

## 4.0 Planning History

**PA Reg Ref. CE19/0016:** Certificate of Exemption under Part V.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative development plan for the area is the South Dublin County Development Plan 2016-2022. The site is zoned 'RES – *To Protect and/or Improve Residential Amenity*'. Residential use is 'permitted in principle' under this zoning objective.

### 5.1.2. Chapter 2 refers to Housing

**Section 2.2.2** refers to *Residential Densities*

**Housing Policy H8** states that '*It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.*'

**H8 Objective 6** states '*To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.*'

**Section 2.3.1** refers to *Residential Design and Layout*.

Housing **Policy H11** states that *'It is the policy of the Council to promote a high quality of design and layout in new residential development to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development'*.

**Section 2.4.0** of the Development Plan considers *Residential Consolidation – Infill, Backland, Subdivision and Corner sites*.

Housing **Policy H17** states that *'It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County'*.

**H17 Objective 2** states *'To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation'*.

**H17 Objective 3** states *'To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation'*.

**H17 Objective 5** states *'To ensure that new development in established areas does not impact negatively on the amenities or character of an area'*.

**Section 2.4.1** considers residential extensions.

**Policy H18 Objective 1** states: *'To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).'*

### 5.1.3. **Chapter 11** refers to **Implementation**

**Section 11.2.7** refers to *Building Height*

*'Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area. Development proposals that include 'higher*

buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of that promote the transition to a higher building.

Proposals for higher buildings of over three storeys in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements).

The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.'

**Section 11.3.1 (iv)** specifically refers to *Dwelling Standards*

**Table 11.20** states that the minimum space for one-bedroom houses is 50sq.m. The required private open space for a three-bedroom house is 60sqm.

**Section 11.3.2 (i)** specifically refers to *Infill Development*. It states (inter alia):

*Development on infill sites should meet the following criteria: Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual; A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites*

*of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character; Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*

**Section 11.3.2(ii)** specifically refers to *Corner/Side Garden Sites*. It states that Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria: *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings, the dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings, the architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings. where proposed buildings project forward of the prevailing line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and, corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

**Section 11.4.2** refers to Car Parking Standards

**Table 11.24** states that maximum parking rates for a three bedroom house in Zone 1 is 2 car parking spaces.

## 5.2. **Natural Heritage Designations**

None of relevance.

## 5.3. **EIA Screening**

- 5.3.1. Having regard to the nature the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive location, 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 first party appeal against the decision of the planning authority, has been lodged by The Planning Partnership, on behalf of the applicants. Revised plans, elevations and section drawings accompanied the appeal. indicating a reduction in the ridge height, alterations to the roof slope and design of first floor rear windows. The main grounds of appeal can be summarised as follows;

- *Overbearing/Visual Impact* – The proposed development will look entirely in keeping with the pattern of development in the area.
- *Overlooking Loss of Privacy* – The proposed development will not overlook any existing dwellings, and should the issue be considered material by the Board, a relatively simple design solution is available to address same.
- *Overdevelopment* – The proposed development is of a suitable density for the area, as accepted by the planning authority and is in close proximity to the centre of Templeogue Village, where densification of underutilised sites should be encouraged.
- *Private Amenity Space* - The proposed private garden areas, whilst lesser than Development Plan standards, are of a high quality. The Development Plan and National Planning Framework both recognise that flexibility in terms of arbitrary quantitative standards are appropriate in brownfield /infill scenarios.
- *Residential Amenity of Occupants of the Proposed Development* – The proposed development will provide a high quality of accommodation, in accordance with the latest standards and specifications, and will be generously sized for what would most likely be relatively small households.
- *Policy Considerations* – The proposed development is in accordance with the residential zoning of the subject site and in particular is supported by the

explicit objectives of the National Planning Framework encouraging greater efficiency of land use and redevelopment of scarce under developed urban land.

- *Material Contravention Provisions* – Submit that no material contravention arises, nor does any fundamental departure from the provisions of the plan occur, hence relevant provisions of the Planning and Developments Acts 2000-2018 regarding material contravention do not arise.
- *Bin Storage & Landscaping* – Are provided as part of the scheme, however should additional facilities be deemed to be necessary by the Board, submit that these can be easily addressed by condition, and details of proposed landscaping proposals may also be addressed at compliance stage.
- *Car Parking Arrangement* – Accepted by the Roads Departments, and otherwise is an appropriate solution, the preferred approach by the planning department is an outdated approach. The extent of car parking may also be reduced if deemed appropriate or necessary by the Board.
- *Surface Water Drainage* -The proposed development makes provision for surface water drainage, which may if required be supplemented with additional surface water storage or other revisions, which may be dealt with by condition.
- *Conclusion* – Submit that the refusal is unwarranted, and the proposed development would be an appropriate redevelopment of the subject site, providing much needed housing in a prime location.

## 6.2. Planning Authority Response

The planning authority confirmed its decision and issues raised in the appeal have been covered in the planner's report.

### 6.3. Observation

Submission from Cronin and Sutton Consulting on behalf of David Rehill and Niamh O'Reilly, 10 Springfield Park, Templeogue, can be summarised as follows;

- *Access and car parking arrangements* – Significant concerns that the proposal does not incorporate a no. of design elements outlined under (DMURS), and that they are unsuited to the site, potentially unsafe both for vulnerable road users and for drivers, and likely to inconvenience new and existing residents at and near the site.
- *Proximity to existing junction* – The proposed parking along Springfield Park will be located approx. 11m from the junction with Springfield Avenue, which will require the removal of the existing double yellow road line markings along an extent of approx. 9m on Springfield Park at the eastern boundary of the site.
- *Intensification of existing site access* - where vehicles will be required to reverse in either into or out of these spaces and in so doing obstructing both lanes of Springfield Park within 11m of the Springfield Avenue Junction. Manoeuvrability would be further restricted by the permitted on-street parking along the opposite side of Springfield Park. This would not only obstruct traffic exiting Springfield Park onto Springfield Avenue, but also present a risk of collisions between vehicles using these car parking spaces and vehicles turning onto Springfield Avenue. Risk to pedestrians and other vulnerable road users on the footpath or on the carriageway.
- *Application* – Does not include any traffic flow data, queue length surveys, vehicle swept path analyses or junction modelling to address the potential risk to the safe and efficient operation of the Springfield Park/Springfield Avenue Junction.
- *Car Parking management and overspill issues*
- *Car Parking layout, parking manoeuvres and sightlines*
- *Obstruction of public footpath*



#### 6.4. Further Responses

A response from Planning Partnership on behalf of the applicants to the issues raised in the observation, can be summarised as follows;

- Request the Board to reject the 'grounds' of the observation and proceed to overturn the decision of the planning authority to refuse permission.
- The observation does not raise any material or tangible planning issues that have not already been addressed as part of the application of first party appeal.
- The small infill residential scheme in an established residential area will not generate substantial traffic.
- Submit that given the small number of dwellings and the availability of public transport, movements to and from the parking spaces would be limited.
- Residents may commute on foot/by bicycle/by bus to school or work and would give rise to only a small number of movements typically each day.
- The issue of parking should not determine the outcome of a positive infill development , in the context of national planning policy which seeks to transition from a car dependent society.
- *Layout of the proposed car parking* – Informed and accepted by the planning authority.
- *Alternative car parking scenarios* - Such as curtilage parking allows for inappropriate parking on the carriageway and also parked cars mounting / obstructing the public footpath. The proposed perpendicular parking arrangement would passively prevent parking on the carriageway or on the public footpath.
- *Reversing movements* – Reject the assertion that the alternative on curtilage parking arrangement would remove the need for reversing movements.
- *Modifications to the Layout* – There is scope to reduce the extent of car parking which would provide additional space to enhance the layout in a number of respects. The applicant is amenable to same should the Board deem a reduction in parking to be warranted or beneficial. Should the Board consider that cars traversing the footpath is inappropriate, the applicant is amenable to investigating the relocation of

the public footpath to 'inside' the parking spaces, which could be dealt with by way of condition.

## 7.0 **Assessment**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues are addressed under the following headings:

- Design and Layout
- Residential Amenity
- Traffic and Parking
- Surface Water Drainage
- Other Matters
- Appropriate Assessment

## 7.2. **Design and Layout**

7.2.1. Reason for refusal No. 1 refers to noncompliance with development plan policies on infill development, which would result in a cramped form of residential development, and in overdevelopment of a restricted site.

7.2.2. While the principle of infill development can be supported within the residential land use zoning, it needs to be ascertained whether the proposed development is in accordance with Housing Policy H11, H17 and H18, dwelling standards and criteria for infill development and on corner sites, as set out under Sections 11.2.1(iv) 11.3.2(i) and (ii) of the Development Plan.

7.2.3. The proposal, namely 5 dwellings, equates to a density of 47.6 units per hectare, which the planning authority accept is within the range specified by Policy H8 Objective 6 of the County Development Plan. Whilst I note the densities prevailing on adjoining lands notably to the north west, west and south are comparably low, the

proposed density on this corner site is appropriate and in the context of its proximity to nearby services and amenities.

- 7.2.4. The surrounding area is characterised by a mixed pattern of development comprising largely two storey, semi detached dwellings to the south and two storey terraced houses to the north west. The scheme provides for a terrace of two storey dwelling units, which I consider acceptable on this infill site.
- 7.2.5. The proposed layout entails dwellings in a row facing onto Springhill Avenue R112, in line with the adjoining terraced houses to the north west. They will back onto a shared boundary with No. 4 Springfield Park a semidetached house to the west.
- 7.2.6. I note that the planning authority expressed concern in terms the restricted size and configuration of the site, and that the Parks and Landscape Services/Public Realm section of the planning authority expressed a number of concerns in relation to tree protection and tree planting and recommended the removal of unit no. 5.
- 7.2.7. While there may be some merit in the suggested revised layout or the omission of one house, on balance I consider that the proposed layout allows the most efficient use of the site, and in particular it provides the appropriate quantum of car parking for each house.
- 7.2.8. I am concerned however, that the proposed layout does not provide adequate private amenity space for each dwelling. A provision of 36.17 sqm is provided to the rear of the three mid terrace units, while an area of 37.89sqm is provided to the rear of end terrace unit no. 5. Only one dwelling which provides 73.91sqm meets the development plan requirement of 60sqm for three bedroom houses as set out Section 11.3.1 (iv) Dwelling Standards Table 11.20.
- 7.2.9. The applicant has argued that this is sufficient given that the proposed infill nature of the development.
- 7.2.10. I have considered the layout of the proposal, the west facing orientation of the rear gardens, the shared area of open space to the front of the units which has a stated area of 340sqm, and the proximity to the River Dodder and Bushy Park amenity areas. However, I still find the significant shortfall in private open space to be unacceptable. In this regard therefore, I recommend that the terrace should be moved forward/eastwards by 2m, which would increase the area of open space to

the mid terrace units by approx. 10sqm to approx. 46/47sqm, and consequent reduction is shared open space. While noting this quantum of private open space still falls short of development plan standards, this would in my opinion provide a greater balance between private and shared open space and future amenity of future occupants.

7.2.11. This amendment to the layout would I accept step the terrace forward of the building line established by the terrace to the north west, but it would also increase the rear garden lengths and therefore separation distances of the proposed units to the adjoining house No. 4. If the Board were minded to grant permission this amendment to the layout could be dealt with by condition.

7.2.12. I am satisfied, that the proposed design and layout subject to modification takes account of the local context and will contribute positively to the streetscape and complements existing residential development and is an appropriate form of infill development on this site.

7.2.13. I am satisfied that the proposed development is therefore, in accordance with Housing Policy H11, H17 and H18, dwelling standards and criteria for infill development and on corner sites, as set out under Sections 11.2.1(iv) 11.3.2(i) and (ii) of the Development Plan.

### 7.3. Residential Amenity

7.3.1. As per the South Dublin County Development Plan 2016 – 2022 the site is within an area zoned 'RES', the objective of which is 'to protect and/or improve residential amenity'.

7.3.2. Having regard to the Guidelines for Sustainable Residential Development and the provisions of the current development plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide for additional residential development at this location. I propose to address such matters in the following sections.

#### *Overbearing*

- 7.3.3. The crux of this appeal is the relationship of the proposed development with the existing adjoining residential property house No. 4 Springfield Park. The proposed dwelling units are located to the east of and perpendicular to the gable and rear garden of this house.
- 7.3.4. I accept that where it is proposed to replace a single storey house with a terrace of two storey dwellings, this will understandably give rise to a perception of overbearing.
- 7.3.5. I note the massing and ridge height of the proposed terrace which is approx. 11.5m, and the separation distance of the rear elevations of the proposed terrace from the shared boundary with house No. 4 which is approx. 7.5m.
- 7.3.6. In response to the decision of the planning authority the applicants submitted revised plans, elevations and section drawings, with the grounds of appeal indicating a reduction in the ridge height by approx. 1.7m, and consequent alterations to the roof slope.
- 7.3.7. From my site inspection of the appeal site and the rear garden of house No. 4, I noted that ground levels on the appeal site are higher than the adjoining house. I also noted that the existing side boundary wall as viewed from No. 4 is significantly higher than from the rear garden of the existing house No. 2.
- 7.3.8. I have reviewed the photomontages submitted and have considered the alterations proposed by the applicant on appeal and am reasonably satisfied that in combination with the suggested further alteration to increase the separation distance by a further 2m to approx. 9.5m as outlined in section 7.3 above, that the proposed development would not give rise to an unacceptable overbearing impact on house no. 4 in this urban context.

#### *Overlooking*

- 7.3.9. The planning authority raised concern in relation to overlooking from first floor windows of the rear garden of house No. 4. However, it must also be accepted that with any new infill development that there will be a level of overlooking from adjoining development.
- 7.3.10. The application as lodged indicated a first floor bathroom and bedroom window to the rear elevation of each of the proposed units, and also included two high level

rooflights to attic ensuite to the rear roof slope. The first floor bathroom window is to be finished in obscure glazing.

- 7.3.11. The applicants submitted revised plans, elevations and section drawings, with the grounds of appeal indicating an alteration to the design of the first floor bedroom window to the rear to include an angled window. In my opinion this alteration would address the perception of overlooking onto the adjoining rear garden of house No. 4 and am satisfied that this can be dealt with by way of an appropriately worded condition.

#### *Summary*

- 7.3.12. I am satisfied that the proposed development would not therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be in accordance with the 'RES' land use zoning objective for the area, and with the proper planning and sustainable development of the area.

#### **7.4. Traffic Safety and Parking**

- 7.4.1. Reason for refusal no.2 refers to the layout of the proposed parking in proximity to the entrance to Springfield Park which contains 60 houses, limited sightlines available from the car parking bay to the junction, which would set an undesirable precedent and be out of character with the area. It was considered that the proposed development would endanger public safety by reason of a traffic hazard where the footpath to a residential estate is crossed by an unbroken bank of car parking spaces.
- 7.4.2. The proposed parking which includes 10 no. car spaces is located along the south eastern boundary of the appeal site, inside the existing footpath and perpendicular to Springfield Park. As already outlined above the subject site is located at the entrance to Springfield Park, and the existing entrance to the house is from Springfield Park.
- 7.4.3. The Transport Department of the planning authority notes the parking provision and find it acceptable, requiring only that the footpath and kerb be dished and widened the full width of the proposed parking area, in addition to other standard conditions.

- 7.4.4. While the Transport Department of the planning authority also note that forward visibility will be limited for parked cars at the southern end of the site due to the presence of an existing boundary wall and hedge, the proposed development is not considered to give rise to a traffic hazard.
- 7.4.5. The applicant has indicated in the grounds of appeal that a reduction in the number of car parking spaces proposed, given the proximity of public transport facilities would allow for enhanced hard and soft landscaping.
- 7.4.6. I have also had regard to the detailed report prepared by Cronin and Sutton Consulting which accompanied the observation to the appeal and issues raised therein.
- 7.4.7. In a further response to issues raised in the observation to the appeal the applicants have also indicated that an alternative scenario could be to relocate the public footpath to the 'inside' of the parking spaces.
- 7.4.8. I accept that the layout and arrangement of the proposed car parking bay is a departure from the more traditional driveway parking arrangement, but I concur with the applicant in this instance, that it makes efficient use of this corner site.
- 7.4.9. I consider that a car parking provision of two spaces per 3 plus bed dwelling unit is appropriate and is in accordance with Development Plan standards as set out in Table 11.24.
- 7.4.10. I have also considered the merits of relocating the footpath, however I am not convinced that this would benefit pedestrian and traffic safety to such an extent to warrant this amendment. I also consider that to relocate the public footpath to the inside of the development would detract from the amenity of the end terrace house and detract from the visual amenities of the area. On balance therefore, I consider that it is preferable to retain the proposed car parking within the boundary of the site, and that the existing public footpath be retained.
- 7.4.11. I also noted from my site inspection the generous width (2.5m) of the footpaths on both sides of Springfield Park, and road width (7.5m) within the estate where a speed limit of 30km/hr applies. I also noted on the day of my site inspection (early morning, on a week day, in September) that there did not appear to be traffic congestion at the junction or overspill parking in the vicinity of the site.

7.4.12. I further consider that the subject site is within easy walking and cycling distance of several amenities in the area, and therefore the no. of potential car manoeuvres typical in a day, would not constitute a traffic safety concern for other motorists or pedestrians.

7.4.13. In my opinion the issue of traffic safety has been overstated in the submissions lodged, by the planning authority, and the observation to the appeal.

7.4.14. I am satisfied, therefore, that the proposed car parking arrangement is acceptable and will not give rise to a traffic hazard.

## **7.5. Surface Water Drainage**

7.5.1. Reason for refusal no.3 refers to the lack of information submitted in relation to surface water proposals on site, and in particular the inadequate information submitted in relation to surface water attenuation calculations.

7.5.2. In this regard I note drainage details submitted are indicated on Kavanagh Ryan and Associates Drawing No. 19006-1. This indicates the provision of a stormbloc attenuation tank located within the area of open space to the front of the proposed houses. The Services Report prepared by Kavanagh Ryan & Associates Limited, Civil Engineers includes a calculation to size the attenuation of 12.5m<sup>3</sup>. This takes account of the roof area but does not include the permeability of the ground.

7.5.3. The Drainage Dept. of the planning authority requested further information noting that the applicant has not included details of what SAAR (Standard Average Annual Rainfall) Value and Soil factor is being used for the surface water attenuation calculations submitted. They also requested that the grassed areas and paved areas be included in the surface water attenuation calculations, and that a revised surface water attenuation design with an increase in surface water attenuation capacity of 150% be submitted.

7.5.4. The applicant has indicated in the grounds of appeal that they are willing to submit further proposals at compliance stage, and that there is no evidence of any fundamental constraint to the provision of appropriate infrastructure. I consider this to be a reasonable solution in the context of what is a modest residential scheme.



7.5.5. I am satisfied, therefore, that subject to further details being submitted to the planning authority which can be dealt with by way of condition that the proposed development would not be prejudicial to public health.

## 7.6. **Other Matters**

7.6.1. *Bin Storage* – Reason for refusal no. 1 refers to the inadequate provision of bin storage. In particular the planning authority noted that there was no details in relation to the no. of bins and or whether they are to be communal. A communal bin storage area in my opinion is appropriate given the terraced nature of the development, however this detail can be dealt with by way of condition.

7.6.2. *Landscaping and Boundary Treatment* – There is mature planting along the northern boundary of the site in particular. The Parks and Landscape Services/Public Realm section of the planning authority have recommended a number of conditions in relation to tree protection and proposed landscaping works, which I consider appropriate. These can be dealt with by condition.

7.6.3. *Material Contravention* – The decision of the planning authority states that the development if permitted would materially contravene policies set out under Section 11.3.2(i) 'infill development' and the 'RES' land-use zoning objective for the area in the County Development Plan 2016-2022.

7.6.4. In this context if the Board are minded to grant permission for the proposed development, Section 37(2) of the Planning and Development Act 2000 must be considered. Section 37(2) requires that if the planning authority have decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in certain circumstances. However, consequent to revised design proposals submitted on appeal and further modifications proposed, I do not share the view of the Planning Authority that the development would materially contravene the development plan for the area. The policies referenced in the reasons for refusal are general policies rather than policies which specifically relate to the appeal site. In addition, the site is zoned 'RES' – '*To Protect and/or Improve Residential Amenity*' under the development plan and the proposal would not materially contravene this zoning objective. Accordingly, I do not consider that the proposed development, if permitted,

would materially contravene the applicable development plan and Section 37(2) of the Act requires no further consideration.

- 7.6.5. *Precedent* - In relation to the matter of precedent, I would note that each planning application is assessed on its own merits, having regard to the relevant planning considerations and site context. I am satisfied that the proposed residential development in this instance does not set an undesirable precedent

## 7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, being an infill residential development in an established urban area, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

## 9.0 **Reasons and Considerations**

Having regard to the location of the site on residential zoned lands in the South Dublin County Development Plan 2016 – 2022, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), and design and layout of the proposed development, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not endanger public safety by way of a traffic hazard. The proposed development would, 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 the 22<sup>nd</sup> day of March 2019, and on appeal on the 7<sup>th</sup> June 2019 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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. Prior to commencement of development, revised plans and particulars showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:
  - (a) The relocation of the terrace eastwards by 2m.
  - (b) A reconfiguration of the rear garden/private open space areas for the 5 units, and increased separation distances to existing western boundary with adjoining residential property house No. 4 Springfield Park.
  - (c) A reconfiguration of the communal area of open space.
  - (d) Relocation of the bin storage area.

**Reason:** In the interest of residential amenity.

3. Prior to commencement of development, revised plans and particulars showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:
  - (a) A reduction in the ridge height of the proposed terrace by 1.7m as indicated on revised drawings submitted on appeal.
  - (b) The first floor bathroom windows to the rear shall be finished in opaque glazing.
  - (c) The first floor bedroom windows to the rear shall be angled as

indicated on revised drawings submitted on appeal.

**Reason:** In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Roof colour shall be blue black or slate grey in colour only, and ridge tiles shall be the same colour as the roof.

**Reason:** In the interest of visual amenity.

5. Footpath reinstatement and public lighting shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of orderly development.

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

- (i) A hard landscaping plan with delineation and specification of site boundary details including the external finishes.
- (ii) A soft landscaping plan incorporating native/indigenous species.

**Reason:** In the interest of visual amenity.

7. (i) The existing boundary along the western boundary of the site with existing house number 4 Springfield Park shall be retained.  
(ii) Rear garden boundaries to the proposed houses shall consist of block walls 1.8 metres in height, rendered on both sides and capped.

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

8. a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.  
(b) Measures for the protection of those trees which it is proposed to be

retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

**Reason:** To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

9. 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, measures to ensure the safe removal, handling and disposal of asbestos and any other hazardous waste and off-site disposal of other construction/demolition waste.

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

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

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

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

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

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision

of adequate refuse storage.

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

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

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an

agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

17. 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.

18. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed

between the planning authority and the developers 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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Susan McHugh  
Planning Inspectorate

26<sup>th</sup> September 2019