



An
Bord
Pleanála

Inspector's Report ABP 304739-19.

Development	Permission for construction of a new flat roof with 4 no. roof lights, 2 bedroom, part two storey detached dwelling.
Location	Site formerly part of Taney Nurseries off Taney Road, Dundrum, Dublin 16.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0226.
Applicant	Vanguard Estates Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellants	Vanguard Estates Limited.
Observers	1. Ciaran and Mary Rowsome.
Date of Site Inspection	26 th September 2019
Inspector	Dáire McDevitt

1.0 Site Location and Description

- 1.1. The site is located on the northern side of Taney Road, a mature suburban residential area in Dundrum, c. 700m east of the junction of Taney Road with Drummartin Road (R112/R825). This section of Taney Road is characterised by large single residences on individual plots with direct access off Taney Road. The site is a former access lane to Taney Nurseries where a residential scheme, in separate ownership, is currently under construction. This scheme at the time did not propose this existing access as a means of access, instead it include proposal to demolish a house to the west along Taney Road and open a new access at that location.
- 1.2. The site, located between No. 16 Taney Road 'Ard Aoibhinn' (observer's house) and No. 61 Taney Rise, is a former access lane to Taney Nurseries. No.61 Taney Rise, to the east, is a detached gable fronted house with a large detached garage on a corner site which bounds Taney Road and Taney Rise off which it is accessed. Ard Aoibhinn is a larger detached flat roof two storey house with a single storey flat roofed garage bounding the site with direct access off Taney Road.
- 1.3. The site with a stated area of c.0.0478hectares, is long and narrow. Reflecting its former use as an access to Taney Nurseries, the dimensions range from c.4.7m to c.10.3m in width and c.71m in length. The site is located at a lower elevation than the adjacent properties to the east and west (i.e. the rear garden areas of neighbouring dwelling houses) and slopes from south (front) to north (rear). It is overgrown and is bounded by a mix of block walls, vegetation, fencing of varying materials. Gates form the front boundary which fronts onto Taney Road.
- 1.4. Access is off Taney Road where there are double yellow lines and a footpath along the sites limited road frontage. It is proposed to install a rotating parking platform to address access and exiting of vehicles from the site.

2.0 Proposed Development

Permission is being sought for a c.157.6 sq.m part single storey, part two storey 2 bedroom flat roofed house with a height of ranging from 3 to 6m on a site with a stated area of c 0.0478hectare.(c.478sq.m). House width ranges from c.4.7m at the front to c. c.10.3m at a central point. A steel metal cladding and a concrete self-rendered finish is proposed with selected glazing.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reasons:

- 1. Having regard to the policy objectives contained with the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that the proposed development fails to accord with the area's land use zoning objective A, which is 'to protect and or improve residential amenity'. This is due to the restricted nature of the site and the pattern of development in the area. It is considered that the proposed development, by reason of its proximity to the shared boundaries would result in a cramped form of development and would have an overbearing impact on adjoining properties. The proposed development would therefore seriously injure the residential and visual amenities of property in the area and would depreciate the value of said property contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would endanger public safety by reason of a traffic hazard due to the likelihood of vehicles existing the proposed parking space reversing onto public footpath and onto Taney Road. The proposed development would, therefore, be contrary to the proper planning and development of the area.*

3.2 Planning Authority Reports

3.2.1 Planning Reports (27th May 2019)

This Report formed the basis for the Planning Authority's decision and the main points referred to relate to design, restricted nature of the site and residential amenity of the proposed development and those of adjoining properties.

Regard to the other technical reports and recommendations included therein.

3.2.2 Other Technical Reports

Drainage Section (3rd June 2019). No objection subject to conditions.

Roads Executive Engineer (25th April 2019). Noted that the proposed 'rotating parking platform' is not acceptable and would create an unwanted/undesirable precedent. This principle would force vehicles to reverse onto the footpath and onto Taney Road, creating a potential hazard for road users.

Recommendation to refuse permission for the following reason:

Endangerment of Public Safety due to vehicle exiting the said proposed parking space and reversing onto public footpath and onto Taney Road i.e the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the Fourth Schedule (Reasons for the Refusal of appropriate Permission which exclude compensation) of the Planning and Development Act)

3.3 Prescribed Bodies

Irish Water (4th May 2019). No objection subject to condition.

3.4 Third Party Observations

A submission was received by the current observer to the appeal. The issues raised are broadly in line with those contained in the observation which is dealt with in more detail in the relevant section of this report.

4.0 Planning History

There is extensive planning history associated with the Former Taney Nurseries. The appeal site formed part of the original Taney Nurseries and was used as an access lane. The appeal site is now is separate ownership.

Site:

Planning Authority Reference No. D18A/0422 (An Bord Pleanala Reference No. ABP 302184-18) refers to a 2018 decision to **refuse** permission for a new flat roof, 3 bedroom, part single storey, part two storey detached dwelling. Parking for one vehicle off Taney Road. New service connection and associated site works for the following reason:

- 1. Having regard to the restricted nature of the site and the pattern of development in the area, it is considered that the proposed development, by reason of its overall scale, design, height and positioning on site relative to the adjoining properties at Nos 59 & 61 Taney Rise, would constitute an overbearing form of development which would seriously injure the residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

Adjoining Sites

PA Ref. No. D02B/0050. Was granted on 6th March, 2002 permitting Anthony and Ann O'Hora permission for a room between the house and garage at 61 Taney Rise, Goatstown, Dublin 14.

PA Ref. No. D03A/0065 / ABP Ref. No. PL06D.202523. Was refused on appeal on 13th August, 2003 refusing Paul Kenny permission for a residential development consisting of demolition of existing house, outbuildings and greenhouses and the construction of new vehicular entrance at 8 Taney Road and 35 No. two bedroom and 35 No. four bedroom units (student accommodation under Section 50) in 4 No. two-storey plus dormer blocks plus 1 No. one-storey caretaker security lodge with 81 No. car parking spaces

together with bin and bicycle store and seminar / laundry / storage facilities with on and off-site development works; these residential developments are to include usage by third level students and summer usage by tourists, all at the former Taney Nurseries, Taney Road, and part garden at 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D03A/1118 / ABP Ref. No. PL06D.207419. Was granted on appeal on 21st December, 2004 permitting Paul Kenny permission for the demolition of existing house, outbuildings and commercial greenhouses, and the construction of new vehicular entrance to include removal of conservatory at 8 Taney Road, Dundrum and construction of 56 units (four two-bedroom mews bungalows in two single storey blocks, eight two-bedroom, eight two-bedroom plus study and eight four-bedroom houses in four two-storey plus dormer terrace blocks and six one-bedroom, 16 two-bedroom and six two-bedroom plus study apartments in one three-storey plus penthouse block) over 50 basement car parking spaces, bin and bicycle stores and 42 surface car parking spaces with on and off site development works at former Taney Nurseries, Taney Road and part garden of 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D06A/0239. Was granted on 13th April, 2006 permitting C & M Rowsome permission for a single storey extension to rear, minor alterations to front elevation, widening of vehicular access and stone cladding to front boundary wall, at Ard Aoibhinn, Taney Road, Dublin 14.

PA Ref. No. D08A/0674. Was refused on 5th August, 2008 refusing Kenny Group House permission for alterations to previously granted planning permission D03A/1118 for the replacement of no. 24 terraced units in Blocks 1, 2, 3 and 4 with 12 no. semi-detached and no. 6 detached units also for alterations to the vehicular entrance to allow for separate vehicular entrance to 8 Taney Road at former Taney Nurseries, Taney Nurseries and part garden no. 8 Taney Road, Dundrum.

PA Ref. No. D08A/1269 / ABP Ref. No. PL06D.234589. Was granted on appeal on 5th February, 2010 permitting Paul Kenny permission for alterations to previously granted planning application, planning register reference number D03A/1118, for the replacement of 24 No. terraced units in Blocks 1, 2, 3 and 4

with 4 No. terraced units, 8 No. semi-detached units and 6 No. detached units at Taney Nurseries and part garden of No. 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D13A/0490 / ABP Ref. No. PL06D.242786. Was granted on appeal on 29th April, 2014 permitting Paul Kenny permission for the demolition of existing house, outbuildings and greenhouse structures, and construction of a new vehicular entrance at 8 Taney Road for 30 No. new houses comprising 14 No. detached units, 12 No. semi-detached units and 4 No. terraced units, and associated roadways, lighting, parking, drainage requirements and landscaping. The works also include alterations and extensions to the existing property at 8 Taney Road, including a part single, part two-storey flat roof extension to the rear and repositioning of vehicular entrance and parking to the rear, all at Former Taney Nurseries and 8 Taney Road, Dundrum, Dublin.

PA Ref. No. D17A/0513 / ABP Ref. No. PL06D.249113. Was refused on appeal on 22nd June, 2018 refusing Duff and Phelps (Ireland) Limited permission for a development comprising modifications to permission granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL06D.242786) as follows: (1) Revised design (internal and elevations) to permitted A, A1, A2, A3, B, B1, F and F1 house types with the four-bed, detached A/A3 types increased from circa 130 square metres to circa 165 square metres; the four-bed detached A1/A2 types increased from circa 145 square metres/circa 152 square metres to circa 185 square metres/circa 192 square metres respectively; the four-bed, semi-detached B/B1 types increased from circa 133 square metres/circa 144 square metres to circa 148.5 square metres /circa 164 square metres respectively; and the four-bed detached F/F1 types increased from circa 128 square metres to circa 155 square metres. (2) Reduction in the number of permitted units by one with two number Type C units replaced by one number A1 type. (3) The remainder of the development to be carried out in accordance with parent permission granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL06D.242786), all on a site of circa 0.71 hectares located at the former Taney Nurseries and Number 8 Taney Road, Dundrum, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for

revised design (internal and elevations) to permitted A, A1, A2, A3, B, B1, F and F1 house types with the four-bed, detached A/A3 types increased from circa 130 square metres to circa 165 square metres; the four-bed detached A1/A2 types increased from circa 145 square metres/circa 152 square metres to circa 185 square metres/circa 192 square metres respectively; the four-bed, semi-detached B/B1 types increased from circa 133 square metres/circa 144 square metres to circa 148.5 square metres/circa 164 square metres respectively; and the four-bed detached F/F1 types increased from circa 128 square metres to circa 155 square metres and to refuse permission for the reduction in the number of permitted units by one with two number Type C units replaced by one number A1 type).

PA Ref. No. D17A/0697. Was granted on 27th September, 2017 permitting Brendan & Siobhan Devlin permission for the construction of a two storey side extension and single storey side and rear extensions to existing house, incorporating relocated front door, new ground floor side windows, rear patio doors, external chimney flue to rear elevation, installation of roof lights, new windows and rear dormer window. External alterations to street façade, including lowering of windows, reinstatement of original garage, widening of existing northern vehicular entrance and all other associated site works. All at 59 Taney Rise, Goatstown, Dublin 14.

PA Ref. No. D18A/0769. Was granted on 1st October, 2018 permitting Anne O'Dwyer and Declan Taite (as receivers) permission for a development comprising minor modifications to 26 No. of the houses permitted under Reg Ref D13A/0490 (ABP Ref. PL06D.242786) - unit types impacted are A, A1, A2, A3, B, B1, B2, C, F & F1. Modifications include omission of permitted chimneys; internal room configurations; mirroring of units, revised elevational design and footprint. Otherwise no changes to the layout, design and ridge heights of the houses as per the original permission Reg Ref. D13A/0490 (ABP Ref. PL06D.242786) and the remainder of the development to be carried out in accordance with same. All at Former Taney Nurseries, Taney Road, Dundrum, Dublin.

5.0 Policy Context

5.1 National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) among which **Objective 27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. **Objective 35** seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

RES3 *states that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. And as a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare.*

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards:

Section 8.2.3.4(vii) refers to infill sites. Such proposals shall be considered in relation to a range of criteria including respecting the massing and height of existing residential units.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 60 sq.m of may be acceptable for a 2 bed house in cases where good quality open space is provided. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

N.B. The application site is located within the boundary of the Proposed Dundrum Local Area Plan, 2019-2025 (which has yet to be prepared).

5.3 Sustainable Residential Development in Urban Areas (DoEHLG 2009)

Section 5.8 (i) refers to Infill residential development and that potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.

5.4 Natural Heritage Designations

As noted under ABP 302184-18 the following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.4km northeast of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.6km northeast of the site.

N.B. This list is not intended to be exhaustive and is simply a summation of those Natura 2000 sites in closest proximity to the application site.

5.5 EIA Screening

Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from 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. First Party Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The proposed development does not fail to accord with/materially contravene the zoning objective 'A' which is 'to promote and/or improve residential amenity'.
- The proposed development is an urban infill site which can accommodate development and will not result in a cramped form of development or have an overbearing impact on the adjoining properties. It does not seriously injure the residential and visual amenities of the area.

- The proposed development will not depreciate the value of property in the vicinity.
- It is not contrary to the proper planning and sustainable development of the area.
- It will not endanger public safety by reason of a traffic hazard due to vehicles exiting the proposed parking space and reversing onto the public footpath onto Taney Road.
- Changes from the previous proposal: The house has been significantly reduced in size and the two storey element has been contained to the length of the flank wall of Ard Aoibhinn. The single storey element steps down in line with the gradient of the land. The height of the two storey element is the same height as the flank wall of Ard Aoibhinn and adjoins a single storey garage associated with Ard Aoibhinn. Therefore overshadowing is not a consideration.
- Angling of first floor windows to address potential overlooking and other design features used throughout to address the potential impact on adjoining properties.
- Set back c.8.1m from the road, reduced from c.13.99m (previous proposal).
- The use of a rotating parking platform is an acceptable design solution given the context of the site. In addition, it is proposed to use an existing vehicular entrance associated with a former commercial enterprise (Taney Nurseries).
- The proposal visually and physically integrates with the adjoining dwellings.
- The revised design which has been simplified and reduced in scale has overcome An Bord Pleanála's previous reason for refusal.
- Complies with the NPF which seeks to encourage the use of a viable infill site located next to a number of major transport nodes within an appropriate urban setting.

6.3 Planning Authority Response

The Board is directed to the original Planner's Report as it is considered that the grounds of appeal do not raise any new matters which would justify a change in attitude to the proposed development.

6.4 Observations

One Observation has been received from Ciaran & Mary Rowsome, Ard Aoibhinn, Taney Road, Dundrum, Dublin 6, the adjoining property to the west. The main issues raised are largely in line with the original submission and is summarised as follows:

- Support DLRCC decision to refuse permission.
- The proposed development, as sited and designed, is incompatible with the zoning of the site and adjoining sites including the observers. It would constitute a wholly cramped form of development that would have an overbearing impact on the observer's property.
- It would impact on the visual and residential amenities of Ard Aoibhinn.
- It would result in the deprecation of the observer's property.
- To permit the development would be contrary to the proper planning and sustainable development of the area.
- It would endanger public safety by reason of a traffic hazard both during construction and operational phases.
- The application does not include a technical report from a road engineer that contradicts DLRCC Transportation Department's position that the proposal would constitute a traffic hazard.
- The grounds of appeal do not address the reasons for refusal.
- The development would have an overbearing impact when viewed from Ard Aoibhinn.

7.0 Assessment

7.0.1 Permission was refused in 2018 under ABP 302184 -18 for a c.217sq.m three bedroom part single storey part two storey house on the grounds that given the restricted nature of the site and the pattern of development in the area, it was considered that the proposed development, by reason of its overall scale, design, height and positioning on site relative to the adjoining properties at Nos 59 & 61 Taney Rise, would constitute an overbearing form of development which would seriously injure the residential amenities of property in the vicinity.

7.0.2 A wide range of issues have been submitted by the observers. Many of these issues would have been the subject of consideration by the Board as recent as 2018. The current proposal in an attempt to overcome the 2018 reason for refusal, is for a development consisting of c.157.6sq.m two bedroom part single storey part two storey flat roofed house with the same access arrangements as the previous application. The grounds of appeal are broadly reflective of the issues considered by the Board to be of concern previously, namely design and siting and impact on residential amenity and traffic. The issue of appropriate assessment shall also be addressed. The issues can be dealt with under the following headings:

- Design
- Traffic
- Appropriate Assessment.

7.1 Design

7.1.1 The current proposal is an attempt to overcome the previous reason for refusal under Planning Authority Reference No. D18A/0422 (An Bord Pleanála Reference No. ABP 302184-18). The main difference between the current proposal and that refused in 2018 is that the house has been reduced in scale from a c. 217sq.m three bedroom house to a c. 157.6sq.m two bedroom house with a revised design and siting within the site. The overall footprint and depth

of the building has also been reduced. The revised proposal has resulted in the proposed two storey element in line with the flank wall of Ard Aoibhinn which has first floor windows facing the site.

7.1.2 I note that the applicants had submitted as part of the appeal under ABP 302184-18 proposal for a two bedroom house. These were assessed at the time by the Inspector who noted that *whilst the amended proposals provided with the grounds of appeal will serve to reduce the overall impact of the new construction on adjacent properties, I would suggest that these revisions are inadequate to address the overlaying concerns.* I would draw the Boards attention to the fact that this was a materially different proposal in terms of design and scale from that currently before them.

7.1.3 The planning authority and observers raised concerns regarding the potential for the house to be overbearing when viewed from the adjoining properties to the west along Taney Road, in particular Ard Aoibhinn and to the east along Taney Rise, in particular No. 61 and No.59. I note that the distance from the western elevation of two storey element and the side elevation of Ard Aoibhinn ranges between c.1.2 to 3.2m as a single storey garage separates the main bulk of Ard Aoibhinn from the site boundaries. The proposed two storey element is bounded to the east by a detached single storey structure in the side garden of No. 61 Taney Rise, the rear elevation of No. 61 faces the single storey element of the proposed development. Furthermore the length of the house has been significantly reduced from that proposed in 2018, which further reduces the impact on the adjoining properties. The two storey element is contained in line with the length of the flank wall of Ard Aoibhinn.

7.1.5 In my opinion, the proposed building with a height ranging from c. 3 to 6m, with the upper floor in line with the building line of Ard Aoibhinn, is not excessive and does not result in an overbearing impact when viewed from Ard Aoibhinn or No. 61 Taney Rise. The surrounding area is characterised by houses of varying heights, designs and scale. While I accept that the proposed development would introduce a contemporary building in this challenging restricted site, I do

not consider that the proposal, with a maximum height of c.6m, would have an overbearing impact along Taney Road or appear cramped on the site.

7.1.6 In my view the use of different roof heights, setbacks and materials reduces the overall form and scale of the proposed building. The development, in terms of design, form and height would not have an overbearing impact on neighbouring properties or from the adjoining public road. The location of the upper floor element and that of the single storey section, in my view, addresses the concerns raised by the planning authority and observers in relation to the overbearing impact on the adjoining properties, in particular, Ard Aoibhinn and No. 61 Taney Rise. I consider that the height, design and form of the development is appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining lands.

7.1.7 I am of the view that while there is a degree of overshadowing it is not of an extent that would detract from the residential amenities of adjoining properties and warrant a reason for refusal. The orientation and layout of the development would not lead to excessive overshadowing within of its proposed amenity area of adjoining properties.

7.1.8 Section 8.2.8.4 (ii) of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing rear first floor windows. The issue of first floor opposing windows does not arise. I am also satisfied that direct overlooking of the private amenity space of the adjoining properties is not a significant issue due to the layout and orientation of the properties and their relationship to each other. A condition restricting the use of the flat roofs should be attached if the Board considers granting permission.

7.1.9 On balance, I am satisfied that the current proposal before the Board addresses the issues raised under ABP Ref. ABP 302184, I consider that the development is acceptable in the context of the amenities of adjoining properties. It is my considered opinion that the proposed infill dwelling would be of an appropriate design idiom and scale, would replace a vacant overgrown

urban site, and would enhance rather than detract from the amenities of the area. I am satisfied that the overall scale, massing, form, height and design of the dwelling is satisfactory in terms of protecting the character and amenities of the adjoining properties and Taney Road. I am satisfied that the proposal complies with policy Section 8.2.3.4(vii) of the Development Plan.

7.1.10 I, therefore, consider that the grounds of appeal in relation to this matter should be upheld.

7.2 Traffic

7.2.1 The Planning Authority included a reason for refusal on traffic grounds. Access and parking was addressed in detail by the Inspector under ABP 302184-18. I note that the current proposal before the Board includes the same parking and access arrangements as submitted previously. To address the concerns raised by the Planning Authority relating to vehicles reversing onto Taney Road, the applicants propose to install a rotating parking platform whereby vehicles may be turned within the site confines thereby negating any requirement for reversing manoeuvres to or from the public road. The use of a rotating platform within the confines of the application site is an innovative solution for this restricted site which I consider acceptable in this instance, subject to appropriate installation. With regard to the issue of precedent, I do not consider this an issue as each planning application/appeal is assessed on its own merits.

7.2.2 The site is located on lands zoned for residential use as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The impact of the land uses zonings and permitted densities on public infrastructure is taken into consideration during the Development Plan process. I am satisfied the proposal would not constitute a traffic hazard due to increase traffic movements.

7.2.3 In my opinion, given the level of traffic associated with the proposed development for a single dwelling along Taney Road which is characterised by individual entrance serving houses, its previous use as a commercial access and the speed limit along Taney Road. I am consider the use of this access to serve a single dwelling is acceptable and would generally accord with the provisions of the County Development Plan. If the Board is of a mind to grant

permission, I am satisfied that outstanding requirements could be dealt with by condition.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up 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

I recommend therefore that planning permission be granted subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site, the nature, scale and design of the proposed dwelling and the provision of the Dun Laoghaire County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would integrate in a satisfactory manner with the existing built development in the area, would not detract from the visual amenities of the area, would not create a traffic hazard and would adequately protect the residential amenity of adjacent properties. 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of protecting the character of the area.

3. The flat roof elements of the property shall not be used as a terrace, balcony or for any similar purpose.

Reason: In the interest of residential amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings;
- (b) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme

Reason: In the interest of protecting the character of the area.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

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

Reason: In the interest of public health.

8. 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.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Planning Inspector

27th September 2019