



An
Bord
Pleanála

Inspector's Report ABP-306121-19

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| Development | Demolition of existing house and shed, removal of portacabin, modification of boundary wall, construction of 6 apartments and associated site development works. |
| Location | Ardeevin, 1 Lucan Lodge, Leixlip Road, Lucan, Co. Dublin |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD19A/0297 |
| Applicant(s) | David Ruddy |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Observers | Sylvester Cronin Padraig McGarrigle and others (Ardeevin Residents Association) Sinead Murphy & Derek Porter Diarmuid & Maria Fitzgerald |

David & Mary Whittle

David & Lyn Turner

Date of Site Inspection

11th March 2020

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.0835 hectares, contains 'Ardeevin, 1 Lucan Lodge', a detached gable fronted house located on the southern side of the Leixlip Road towards the west of Lucan Village, Co. Dublin. Ardeevin is at the eastern end of a line of 10 similar houses addressing the Leixlip Road. These are single store units with additional accommodation in the attic space. Car parking is located to the front of these houses with a high boundary wall generally random stone finished though a number of these walls have been rebuilt and finished in a painted render. The subject site has a random stone wall to the front boundary.
- 1.2. To the east and within the site boundary is a portacabin that was not in use on the day of the site visit. To the east of the site is the 'Ball Alley House' public house, which projects forward of the subject house. Limited surface car parking is provided to the front of this pub and a more extensive area of parking is available to the rear/southern side. To the rear/south of the site are similar houses forming part of Ardeevin Drive.
- 1.3. As stated, the site is located within the centre of Lucan village and in addition to the many services available in the village, a bus stop almost immediately opposite the site, is served by a frequent bus service eastbound to the city centre, provided by Dublin Bus routes 25, 25X, 66/a/b/e and 67. Route 767 operated by Dualway/Airport Hopper provides an hourly connection to Dublin Airport.

2.0 Proposed Development

- 2.1. The proposed residential development consists of the following:
 - Demolition of the existing house and shed.
 - Removal of a portacabin.
 - Removal of hedging and the modification of the existing front boundary wall.
 - The construction of 6 no. 2 bedroom apartments.
 - All associated car parking, site works, open space etc.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission subject to four no. reasons, summarised as follows:

1. The proposed height, scale and massing of the development would have a negative impact on adjoining properties through overbearing and would have a negative impact on the visual amenity of the area, materially contravening the residential zoning of the area.
2. The proposed development would have a negative impact on the adjoining site, The Ball Ally House, which is a protected structure.
3. Insufficient details were provided in relation to surface water drainage and the proposed development could prejudice public health.
4. The development would set an undesirable precedent for similar developments.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to refuse permission.

3.2.2. Other Technical Reports

Water Services Planning Report:

Surface Water: Further information requested.

Flood Risk: No objection subject to conditions.

Roads Department: No objection subject to conditions.

3.2.3. Prescribed Bodies Reports

Irish Water: No objection subject to conditions.

3.2.4. Objections/ Observations

A number of letters of objection were received to the original application and included submission from elected representatives, from the Ardeevin Residents Association and from individual members of the public.

Issues include the following:

- The development is out of character with the existing form and pattern of housing on this section of the Leixlip Road, Lucan.
- The development will have a negative visual impact on the amenity of the area especially when arriving into the village from the south.
- The density at 72 units per hectare is excessive in such an established area.
- Potential traffic hazard due to the intensification of traffic associated with the increase in units from one house to six apartments. Also the proximity of the site to the bus stops on the Leixlip Road is a concern.
- Shortfall in car parking provision to serve the development and there are already car parking issues in the area.
- Historical set-back along the Leixlip Road for future road widening.
- Concern about overlooking and overshadowing from the proposed three storey units on existing houses in the area. Inadequate separation distances which should be a minimum of 35 m in accordance with the South Dublin County Development Plan 2016 – 2022.
- Devaluation of property through overlooking and loss of trees.
- Requirement in the past that houses only be dormers so as to prevent overlooking of the Italian Ambassador's lands to the north.
- There is no tree line to the rear of the site providing screening for existing residents.
- The development is contrary to a number of sections of the county development plan.
- The development would have a negative impact on the 'Ball Alley' public house, which is a protected structure.
- The site is adjacent to the Lucan Architectural Conservation Area (ACA) and the development will not enhance or add to the ACA.
- Insufficient quality of proposed public open space.

- Potential for the development to set an undesirable precedent for similar developments in the area.
- There is adequate capacity in the Adamstown Strategic Development Zone (SDZ) to meet the housing needs of the area.
- Negative impact on existing trees in the area and on site.
- Disruption during the construction phase of development.
- Concern that submitted drawings and details may not be accurate.
- There has been a lack of consultation with existing residents in the area.

4.0 Planning History

P.A. Ref. SD03A/0115 refers to an April 2003 decision to grant permission for the retention of a Porta-cabin in use as a dental surgery located to the side of the 'Fairways', 1 Leixlip Road, Lucan. Condition no. 2 required the removal of the structure on/ before the 1st June 2008 unless a further permission for its continued use was received.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – 'To protect and/ or improve residential amenity'.

The 'Bally Alley' public house is listed on the Record of Protected Structures – RPS no. 94 refers. This is described as a 'Detached Eight-Bay Two-Storey Public House'.

The Planning Authority Case Officer has listed a long list of policies and objectives from the county development plan that are considered relevant to this development.

I note the following as of particular relevance:

Chapter 5 – Heritage, Conservation & Landscapes (HCL)

HCL5 Objective 1: ‘To retain existing houses that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County.

HCL4 Objective 4: ‘To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area’.

Chapter 11 – Implementation, this chapter sets out development standards and criteria to be applied to new development in accordance with the policies and objectives of the county development plan and national guidance as relevant. Some sections that are relevant:

11.2.7 Building Height – Note the importance of protected structures. Also:

‘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’.

11.3.1 Residential – (v) Privacy – Separation distance is normally 22 m between opposing first floor windows.

11.4.2 Car Parking Standards – More restricted in town centres and within 400 m of a high-quality bus service.

5.2. National Guidance

5.2.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.

- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.2.2. **Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009)** and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)**.

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.2.3. **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018)**.

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

5.2.4. **The following are also relevant:**

- **Design Manual for Urban Roads and Streets (DMURS)**.
- **Regional Spatial & Economic Strategy (RSES) 2019 – 2031**.
- **Urban Development and Building Heights - Guidelines for Planning Authorities (DoHPLG, 2018)**

5.3. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands. The River Liffey is a designated Natural Heritage Area (site code 000128) and is circa 140 m to the north west of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of CDP Architecture to prepare a first party appeal against the decision of South Dublin County Council to refuse permission for this residential development.

The grounds of appeal are summarised as follows:

- The proposed height, scale and mass of the development is appropriate in this town centre location.
- Overshadowing and overlooking leading to a loss of privacy have been addressed in the design of the proposed development.
- The proposed development is considered to be appropriate in this location and does not impact negatively on a protected structure – ‘The Ball Alley’ public house. A report prepared by John Greene, Grade 1 Conservation Architect backs up this assertion.
- An engineering report prepared by Doherty – Finegan – Kelly, Consulting Engineers has addressed all issues of concern in relation to surface water drainage.
- There is an identified shortfall in housing nationally and in the Greater Dublin Area and this development will go some way to addressing this issue.

6.2. Planning Authority Response

The Planning Authority had no additional comments to make as the issues raised in the appeal were covered in the case officer’s report.

6.3. Observers

A number of observations have been received and are similar to the points made in the Objections/ Observations to the original application. In summary these observations include:

- Negative impact on the character of the area and on the adjoining protected structure.

- Need to retain existing houses in accordance with HCL 5 Objective 1 of the South Dublin County Development Plan 2016 – 2022.
- The proposed development will negatively impact on existing trees with the loss of trees likely.
- Potential overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight.
- Excessive density and overdevelopment of this site.
- Insufficient detail in relation to surface water run-off.
- The proposed development if permitted would set an undesirable precedent for similar development in the area.
- There is adequate capacity in Adamstown and Clonburris for housing at a suitable density.
- Submitted details and images are misleading.
- Concerns regarding car parking – increased number of cars and no visitor parking in an area where parking has been an issue.
- The proposed development would have a negative impact on the character and setting of Lucan village.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Water Supply and Drainage
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

7.2. Nature of the Development

- 7.2.1. The proposed development is located on lands zoned for residential development in accordance with the South Dublin County Development Plan 2016 – 2022. The house to be demolished is not a protected structure and the development will provide for a total of six no. two bedroom apartment units.
- 7.2.2. Residential development on these lands is therefore acceptable in terms of compliance with local and national policy. The development will utilise/ connect into existing infrastructure in the form of the road network, water/ drainage services and local services within Lucan village and the surrounding urban area.
- 7.2.3. I would consider that the subject site forms part of Lucan village, even though is not adjacent to Main Street, it is part of the established/ developed urban area of the village and should be considered as such.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The existing house is one of ten similar detached bungalows located on the southern side of the Leixlip Road, Lucan. The house has a stated height of 7.1 m. In general, these houses have retained their character/ design form other than extensions and some units have been provided with modest dormers to the side roof profiles. The general form and height of these units have been retained as constructed. I would consider that the houses themselves are not of any great architectural merit, however as a unified grouping they do provide a locally important streetscape on the western side of Lucan village. The character of the adjoining 'Ball Alley' public house, which is a protected structure, is protected by these relatively modest houses.
- 7.3.2. I note HCL5 Objectives 1 and 4 which have been referenced by the Planning Authority Case Officer and in a number of the Observations. It is stated in the development plan that 'It is the policy of the Council to encourage the preservation of older features, buildings, and groups of structures that are of historic character including 19th Century and early to mid 20th Century houses, housing estates and streetscapes'. The subject house is probably dated from the 1960s/ 1970s; however it is considered that the character of the streetscape is protected by the retention of these houses.

- 7.3.3. The proposed development includes a double 'A' pitched roof that addresses the public road as a means of integrating the character of the existing houses into this design. The height of the proposed development is stated to be 10.29 m, though I note that the ground level is dropped by approximately 0.7 m below the existing level. The proposed apartment block will also be set back by 1.3m behind/ south of the existing building line. This allows for the provision of six no. car parking spaces to the front of the site. Public/ communal open space is provided to the south of the site and includes a stated area of 70 sq m of grass.
- 7.3.4. I note the reasons for refusal as issued by the Planning Authority and in particular reasons 2 and 4. I would agree that the development would have a negative impact on the protected structure as it would dominate the streetscape at this point. There may be an opportunity to develop this site as it is at the end of the row of houses, however it is possible that the applicant has tried to integrate the design with the existing houses whilst not taking enough account of the protected structure. The development therefore negatively impacts on the protected structure through its height, design and is also overbearing.
- 7.3.5. Permitting this development would set a precedent for similar development along this section of the Leixlip Road. Whilst every application is assessed on its own merits, the demolition of individual houses and their redevelopment could result in a piecemeal/ non plan led form of development. A plan led form of development would provide for proper high-quality public amenity space, rationalised car parking, reduced vehicular access to the Leixlip Road and an even higher density of development. The proposal provides for a stand-alone scheme that does not promote or allow for future integrated development and encourages a haphazard form of development.

7.4. Impact on Residential Amenity

- 7.4.1. As already reported, the site is suitably zoned for residential development and the proposed density is acceptable having regard to national policy. Unit and room sizes are acceptable. Storage provision and private amenity space is in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'. The ground floor units are provided with 'Winter Gardens' facing to the rear/ south and the upper floor units have balconies facing towards the

front/ north. All apartment units are dual aspect and floor to ceiling heights are acceptable. Upper level units are served with a stairwell and a lift.

- 7.4.2. I do not foresee that the proposed development will impact negatively on existing houses in the area in terms of overlooking leading to a loss of privacy. There is a separation of 12 m between the rear of the proposed building and the boundary to the south. I note Section 11.2.7 of the South Dublin County Development Plan 2016 – 2022 and the requirement for a 35 m separation between new residential units in excess of two storeys and existing one/ two storey houses. A separation distance of in excess of 26 m will be provided to an extension to the houses to the rear/ south (separation is approximately 30 m to the main body of this house) and as the upper level windows in the apartment block serve bedrooms, I do not foresee that overlooking will be an issue due to the reduced separation.
- 7.4.3. Similarly, I do not foresee that significant overshadowing leading to a loss of daylight will occur. I note the submitted reports that have been provided demonstrating the increased levels of overshadowing from this development.

7.5. Access and Transportation

- 7.5.1. The South Dublin County Council Roads Department did not raise any concern regarding the parking provision or access arrangements serving this development. Standard conditions were recommended in the event that permission was to be granted.
- 7.5.2. A total of six car parking spaces are proposed, equating to one per unit. Concern was expressed in the observations about the parking provision and current issues of parking in the area. The site is located on the western side of Lucan village, adjacent to bus stops and where the provision of bus services is relatively good. Significant public investment in bus priority has been made along the Lucan Road Corridor and further improvements are proposed under Bus Connects. I therefore consider that the car parking provision is adequate and appropriate to serve this development.

7.6. Water Supply and Drainage

- 7.6.1. The third reason for refusal referred to insufficient details in relation to surface water drainage and in turn the development could prejudice public health. The Water

Services Planning Section sought further information and as this request was not issued, the applicant was not afforded the opportunity to respond. I consider that it should be possible to provide for suitable surface water drainage to serve this site. I note that there is no record of flooding in this part of Lucan village and I do not foresee that the development as proposed would give rise to flooding subject to the provision of suitable surface water drainage proposals.

7.6.2. Irish Water have reported no concern regarding the provision of suitable foul drainage and water supply to serve the development. No issues regarding capacity have been raised by Irish Water.

7.6.3. I therefore consider that water can be adequately supplied to serve this development and that suitable foul and surface water drainage can be provided as required.

7.7. Other Issues

7.7.1. The appellants have raised the issue of housing shortage as a justifiable reason for this development and a number of the Observers have pointed out that there are SDZs in the area that are more suitable for housing development of the nature proposed. I would disagree with both of these points of view. The important point is that appropriate development is acceptable, and the applicant has failed to provide such in this location. However, the redevelopment of the area may be possible but should be on a planned basis that respects the character of the area and in particular the distinctive character of Lucan village and the adjoining protected structure.

7.7.2. I also note the comments regarding the loss of existing trees on the subject site. From the site visit, it appears that these are evergreen trees perhaps Leylandii and are not of great importance to the local community. The loss of any trees would impact directly on the adjoining landowners and any damage caused would be a legal matter.

7.8. Appropriate Assessment Screening

7.8.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. It is considered that, by reason of its design, the proposed development of a three storey apartment block would materially and adversely affect the character and setting of the adjoining 'Ball Alley' public house which is listed on the Record of Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominent location of the site, to the established built form and character of the Leixlip Road, Lucan and to the existing buildings on the site which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of a three-storey apartment building, would be incongruous in terms of its design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The design is not considered to justify the demolition of the existing structures on the site. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

25th March 2020