



An
Bord
Pleanála

Inspector's Report

ABP-306966-20

Development	4 houses and 5 apartments (duplex units), new vehicular access and associated site works
Location	Coolamber, Stocking Lane, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0002
Applicant(s)	Matt and Lucia Barnes
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Matt and Lucia Barnes
Date of Site Inspection	03rd July, 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is located to the south of Ballyboden in south county Dublin and is located on the eastern side of Stocking Lane which runs from the junction with Scholarstown Road in a southerly direction towards the M50.
- 1.2. The proposal involves subdivision of an existing residential landholding with a large house known as 'Coolamber' located to the north and outside the site. The site is essentially the side garden of the dwelling and has stated area of 0.2 ha.
- 1.3. This existing house appears to be a split level design with a two storey element to the northern side with a gable fronting west and a single storey element running perpendicular to the south. There are also single storey annexes of the dwelling to south and east (rear elevation). Access to the existing dwelling and the site is via a vehicular entrance at the northern end of the existing dwelling. This end of the landholding also contains the parking area and driveway. The area to the west and south of the house comprises a garden area. The south garden area is proposed as the development site. The site appears to rise in a west to east direction with a difference of c. 1-2m evident from the road to the rear of the site.
- 1.4. The existing roadside boundary to Stocking Lane comprises an earthen bank with mature trees and hedgerow along this frontage. To the south, the site is bounded by mature trees and hedgerow. A vehicular access from Stocking Lane and another existing house is located to the south east corner but outside of the site. Beyond this house is a significant area of undeveloped lands, and further beyond this is the Prospect Estate of two storey semi-detached houses.
- 1.5. There is a large house called 'Rookwood Lodge' to the north of Coolamber and the site. To the west, on the opposite side of Stocking Lane is the Scholarstown Wood residential development which provides a cycle path and footpath along Stocking Lane. The Ballyboden council waterworks facility is located to the south west of the site on the opposite side of Stocking Lane.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a residential development of four detached houses and a block of five apartments with a stated density of 45

units per hectare. It will be accessed via a new entrance and access road from Stocking Lane.

- 2.2. Houses 1-3 are proposed to the east of the site and generally align with the front building line of the existing dwelling to the south and outside of the application site.
- 2.3. House 1 and 2 are three storey with gable fronted elevations to Stocking Lane. They have ridge heights of 9m and three dormer style roof windows facing south at second floor level. The roof windows to house 1 are to be obscured glazing and are located approx. 1.2m from southern boundary and appear to face directly into the private open space of the existing dwelling to the south.
- 2.4. House 3 is two storey (dormer style) and located in part to the rear of the southern end of Coolamber with a separation distance of 4.8m. It has a ridge height of 7.55m.
- 2.5. House 4 is located to the north west of the site, is three storey, 9m high and with a side gable elevation to Stocking Lane. It is located c.1m to the proposed western boundary. This house is located to the front of the southern end of Coolamber with a separation distance of 3.2m to its nearest point of the front elevation, and approx. 7m to its southern single storey side annex. This house has dormer style roof windows facing north and south. The north facing dormer window (over a stairwell) and first floor bedroom windows appear to range from 5-7m from the proposed rear boundary that divides the site in a circular fashion from the front garden area of Coolamber.
- 2.6. In terms of private amenity space houses 1, 2 and 4 (five beds) propose 80, 75 and 70 sq.m respectively to the rear. House 3 (three bed) proposes 62 sq.m to the rear.
- 2.7. The three storey duplex block (apartments 5-9) is located to the south west corner of the site. This block appears to be as close as 2 metres to Stocking Lane and will have a ridge height of 10.3m.
- 2.8. Apartments 5-9 propose private balconies/terrace areas ranging from 7-9.2 sq.m. These spaces face south with the exception of a north facing balcony for unit 8.
- 2.9. A c.32m long and 2.5m wide strip of communal amenity space of 73 sq.m is proposed to the rear of the duplex block. It runs from the rear of the bin store to car parking spaces 1 and 2. It surrounds private terrace areas for apartments 5 and 6. Access to the bin store from the communal space is provided for.

- 2.10. A 200 sq.m area of public open space is proposed for the development. It is enclosed by the access road to north, 7 car parking spaces to the east, the duplex block to the south and boundary treatment and Stocking Lane to the west.
- 2.11. Parking within the development is proposed at the rate of two spaces for each of the houses and one space for each apartment unit, plus an additional 2 no. visitor spaces. The spaces are to be finished in permeable paving.
- 2.12. The proposed boundary treatment to rear of houses 1-3 is indicated as an existing 2.5m stone wall. The northern boundary of the site, wraps around and separates House 3, Coolamber and House 4 and will be a 2m high plastered and capped block wall. The western boundary to Stocking Lane is to be a 2m high decorative railing on stone wall. This treatment will continue along the southern boundary and the rear of the duplex block to the front of House 1. A pedestrian gate to lands to the south is provided for at the eastern end of duplex block. The south east corner of the site is to be a 2m block, plastered and capped wall from the front of House 1 and the existing dwelling to the south of the application site to the rear boundary of the site.
- 2.13. At the proposed entrance onto Stocking Lane, the submitted site layout plan indicates a sight line of 50 metres in a north and south direction. A new set back western site boundary is proposed from the southern end of the road frontage to the existing entrance to Coolamber to the north. This set back requires the removal of the existing roadside vegetation and trees with a double row of replacement trees proposed. The site layout shows a new combined 3m footpath and cycle lane between the southern part of the site and the entrance before narrowing to a 1.8m footpath and 1m grass verge from the northern point of the entrance to the existing entrance to Coolamber. The roads and parking layout plan drawing refers to a 3m footpath and cyclepath along the full frontage of the site.
- 2.14. The development proposes connecting to the public water and wastewater services which are located in Stocking Lane. The existing connection to the septic tank for Coolamber appears to be located on the lands to the north (Rockwood Lodge) and it is proposed to be disconnected as part of this application.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse Permission for 4 no. reasons, which can be summarised as follows:

1. Having regard to the site size and the scale of undeveloped residential land to the south of the site the proposed development would 'constitute overdevelopment of the site and a planning approach contrary to proper planning of the area'. It would negatively impact on amenity of future occupants of Coolamber by way of overlooking, overbearing visual impact and visual intrusion. The development would seriously injure the amenities of property in the vicinity and would be contrary to the residential zoning objective as set out in the County Development Plan.
2. SDCC considers the presence of bats is likely on the site and the applicant has not provided a bat survey. The applicant has not demonstrated the proposal is in accordance with HCL15 Objective 1 of the Development Plan which states 'to ensure that development does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992.
3. That the proposed development would result in the removal of trees and hedgerows onsite and would conflict with a number of Green Infrastructure policies and objectives of the Development Plan.
4. That the location and layout of communal amenity space (narrow strip/alleyway) serving the duplex units is not acceptable. Having regard to zoning and pattern of development in area the proposal would be substandard and unacceptable with regard to residential amenity of proposed units and the residential zoning of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the proposed development is a variation of the previous application on the site for a similar development and that the revised proposal does not materially differ from previous refusal and that those reasons relating to overdevelopment had not been overcome. The layout of the proposed development in terms of its relationship to 'Coolamber' in particular is highlighted as concern. A number of other matters would require reassessment as additional information including trees, ecology, amenity space, play and bat survey and these have formed the refusal reasons. The report recommended refusal which is consistent with the Notification of Decision to Refuse Permission.

3.2.2. Other Technical Reports

Water Services – No objections subject to condition regarding inadequate separation distance from proposed attenuation system and duplex block and additional SuDs proposals. In terms of flood risk standard conditions are noted.

Roads Department – Further information recommended relating to a revised layout showing a footpath and cycle track which does not involve the loss of mature trees along the western boundary.

Parks and Landscape Services – Request for Additional Information or Refusal of permission relating to- landscape design proposals, tree survey, SuDs and play areas.

3.3. Prescribed Bodies

Irish Water – No objections raised.

3.4. Third Party Observations

- Three submissions were received by the Planning Authority.
- Two of these submissions are generally in support of the application referring to provision of housing for family members, provision of community footpath and amenity space, integration of sewage facilities (neighbouring properties on septic tank), interface with neighbouring properties in terms of height and overlooking and general improvement to the appearance of Stocking Lane.

- The third submission was an objection. It highlighted concerns over design and layout, landscape and public realm, services and drainage, ecology and green infrastructure. The submission referred to SDCC's 7 refusal reasons (SD19A/0085) and ABP 2 refusal reasons (ABP-304458-19) and how that application's five other refusal reasons are not addressed in the current application. The submission refers to procedural matters relating to the site notice and the requirement for a more accurate traffic report.

4.0 Planning History

4.1. Site History

The following planning history relates to the appeal site:

- SD05A/0376, ABP-304458-19 (03/09/19)- 4 houses 5 duplex units, Permission refused by ABP for the following reasons-
 1. *Having regard to the siting and orientation of Unit numbers 3 and 4 and the scale and proximity of these units relative to the existing adjoining dwelling 'Coolamber', it is considered that the proposed development would constitute overdevelopment of the site and have a negative impact on the amenity of future occupants of 'Coolamber' by reason of overlooking, overbearing visual impact and visual intrusion. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, would be contrary to the residential zoning objective of the site and of the protection of residential amenity and would be contrary to the proper planning and sustainable development of the area.*
 2. *The location of, and access to, the area of public open space at the southern end of the site is such that it would result in a substandard layout and level of residential amenity by virtue of being poorly supervised with a poor distinction between public and private areas and inadequate integration into the overall development. The proposed development would, therefore, seriously injure the amenities of future occupants of the development, would be contrary to the provisions of the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban*

Areas (Cities, Towns and Villages)”, issued by the Department of the Environment, Heritage and Local Government in May, 2009, and particularly section 7 (Layout) and section 8 (Public Realm) of the accompanying Urban Design Manual, and would be contrary to the proper planning and sustainable development of the area.

4.2. Other Planning History

The following relates to the lands adjoining and in the vicinity of the site and are relevant to the appeal:

- ABP-305712-19- Strategic Housing Development – Consultation. On the 10/12/19 the Bord issued an opinion for 108 no. residential units (28 no. houses and 80 no. apartments), creche and associated site works on lands to the south of the application site. The opinion determined the proposal required further consideration/amendment.
- SD18A/0225 – Permission refused on a 2.4ha. site to the south of the current appeal site for the construction of three apartment blocks of two and three storeys in height and providing a total of 46 no. apartments. Permission refused for 8 no. reasons relating to poor standard of residential layout, inadequate open space, non compliance with DMURS, inadequate surface water details, poor standards of single aspect units, poor level of urban design, failure to meet minimum house unit sizes and inadequate landscaping proposals.
- Ref. SD18A/0369; ABP Ref. 303290– Permission granted by the Planning Authority and upheld by ABP on the 03/04/19 for the reconfiguration and extension of a permitted apartment block on a site located to the west of the site between Stocking Lane and Scholarstown Road.
- SD16A/0384 Permission granted for Modifications to the residential development permitted under Reg. Ref. SD15A/0017 & ABP Ref. 244732. Modifications resulting in the creation of an 8 dwelling terrace, in place of two 4 dwelling terraces. Alterations to the siting of Unit No's 62-65 and associated changes to car parking spaces.

- SD15A/0017; ABP Ref. 244732 – Permission granted by the Planning authority and upheld by ABP on the 12/08/2015 for the construction of 247 houses, 70 apartments, crèche and all associated site works on a site located south of Scholarstown Road, west of Stocking Lane, north of Ballyboden Waterworks and east of Woodfield.

5.0 Policy Context

5.1. Development Plan

The appeal site is zoned Objective RES *'to protect and or improve residential amenity'*, in the South Dublin County Development Plan, 2016-22.

Section 2.4.0 of the plan relates to residential consolidation and includes policies and objectives for infill, backland and subdivision of sites i.e.-

Housing policy 17 includes-

Objective 1 that aims *'to support residential consolidation and sustainable intensification at appropriate locations...'* and

Objective 2 which aims *'to maintain and consolidate the County's existing housing stock through the consideration of applicationsbackland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation'*.

Section 2.3.0 relates to quality of residential development.

Chapter 6 deals with Transport and Mobility. Table 6.6 sets out Medium to Long Term Road Objectives. It is noted that an upgrade of the existing Ballyboden Road/ Stocking Lane (R115) is listed with a 'function' to *'To enhance pedestrian and cycling facilities and exploit the tourist potential of the route.'*

Chapter 11- 'Implementation' sets out development standards and criteria that arise out of the policies and objectives.

Section 11.3.1 Residential deals with the following-

(iii) Public Open Space/Children's Play- *all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space.*

(iv) Dwelling Standards

Section 11.3.2 deals with Infill Development- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development*

5.2. Ministerial Guidelines

The following section 28 guidelines are considered relevant-

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
 - Appendix 1- Required Minimum Floor Areas and Standards
 - Section 3.40- *Apartment design should provide occupants and their visitors with a sense of safety and security, by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking.*
 - Section 3.41- *Where ground floor apartments are to be located adjoining the back of a public footpath or some other public area, consideration should be given to the provision of a 'privacy strip' of approximately 1.5m in depth.*
 - Section 4.10- *While private and communal amenity space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a 'privacy strip' between the two.*
 - Section 4.11- *Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year.*
 - Section 4.12 states- *"For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality."*

- Sustainable Residential Development in Urban Areas (2009) and its companion document- the Urban Design Manual (UDM)-
 - Section 7 of UDM- P.56
 - *Much personal safety – both real and perceived – derives from overlooking, or natural surveillance. Natural surveillance can be provided by overlooking from nearby homes, other pedestrians, and passing cars and cyclists.*
 - Section 8 of UDM- P.60
 - *All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use*
 - *Children’s play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighborhood*
 - *There is a clear definition between public, semi-private, and private space*
 - Section 8 of UDM- P.61
 - *All areas of open space should be designed to be inviting, safe and conveniently located for people’s homes. Designers should therefore locate open space in areas where they will be directly overlooked by people when inside their home.*
 - Section 8 of UDM- P.63
 - *The play area should be overlooked by nearby homes that are near enough for effective passive surveillance but far enough to prevent noise transmission above what would normally be expected in a busier part of the site.*

5.3. Natural Heritage Designations

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

5.4. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that 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 following is a summary of the main issues raised in the appeal:

- The undeveloped lands to the south are independent to this application and the Planning Authority has not specified the relationship between the two sites and creates ambiguity.
- The first refusal reason is not in accordance with sections 7.14, 7.16 and 7.3.2 of the Development Management Guidelines
- Planning Authority has not referred to premature development since there is no LAP or framework plan proposed by SDCC.
- No reference to a policy in Development Plan or NPF establishing a principle that higher densities should relate to larger sites over certain sizes. A reduction from 48-35 units per ha recommended in planners report. Appeal argues 48 units per ha is consistent with NPF and compact development.
- A site analysis has been provided having regard to ABP refusal reason on previous application in relation to house design on site 3 and 4. This took account of scale, siting and layout including roof forms, fenestration patterns, materials and finishes as per SDCC policy for infill sites.
- Dwelling 3 has been revised in design to a 2 storey dormer, revised roof profile and the dwelling reoriented to address the issues raised previously by ABP.

- The appeal details that dwelling 3 can be omitted by condition if warranted.
- Dwelling 4 revised by previous application, moved south by 5m, redesigned with roof profile running east-west rather than north-south aligned the dwelling with the gable end of Coolamber. The north elevation develops an urban edge and creation of right angle eliminates overlooking.
- Private amenity space is located to rear/east side of Coolamber, inaccurate to describe front garden to west of Coolamber as private amenity space.
- A bat survey was not considered relevant due to size of site and fact it did not form part of SDCC or ABP refusal reasons on previous application. A bat survey carried out on adjoining 2.4 ha site is included as one cannot be carried out at this time of the year. No evidence of roosting on either site, a visual inspection on Coolamber site was carried out.
- History of trees falling on Stocking Lane and they need to be made safe. Additional 37 trees are proposed to be planted and details are included in arborist report. Remaining trees within remainder of the site are not of high quality except weeping ash which are to be retained.
- 10% of the site is proposed as public open space and this exceeds the requirement of the development plan. The holistic design of the development which seeks to integrate the development plan, the 2009 Guidelines on Sustainable Development in Urban Area and the 2018 Apartment Guidelines should be considered.
- Applicant does not have ownership control of lands to south. Reference is made to a future SHD application for these lands and planning connectivity between the two sites is designed for. Coordination of vehicular access between the two sites is expressly omitted in this application since that would imply the two applications were inter-dependant in terms of rights of way and timing or execution.
- The rationale for the development is based on demographic demand. Duplex units are not purpose built for older people. Lifetime adoptable

homes is required by the National Planning Framework to address trends in household size.

6.2. Planning Authority Response

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

6.3. Observations

- None.

7.0 Assessment

7.1. Issues

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

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

7.2. Principle of Development and Zoning

- 7.2.1. The appeal site is zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022*. The stated zoning objective is '*to protect and /or improve residential amenity*'. The form of development proposed in the subject application is therefore consistent with the residential zoning objective of the site.
- 7.2.2. The development plan also contains a number of policies that are supportive of the principle of infill development / consolidation of residential areas. The form of development proposed would, in my opinion be consistent with the general aims of urban consolidation as set out in Policy H17 and section 2.4.0 of the Plan and the

scale and context of the appeal site is such that some form of infill development is appropriate and feasible on the appeal site.

- 7.2.3. The application, appeal and the Planning Authority's first refusal reason all refer to the lands to the south and its development potential. The appellant specifically states these lands are in family ownership, but he does not have ownership control. The appellant details he is working on a SHD planning application for these lands as part of his profession. ABP have determined SHD proposal 305712 requires further consideration/amendment. The subject application provides for pedestrian connectivity with the lands to the south and paving to a pedestrian gate with controlled access is shown on the drawings.
- 7.2.4. In my opinion it is reasonable and good planning practise to consider the proposed development while having due regard to the overall development of the lands to the immediate south. Such considerations should address the overall layout and their interactions, greater pedestrian permeability and vehicular access including the need for more than one entrance. The proposed development should not prejudice the potential future layout of development on those lands. In this regard, it is considered that the proximity of a three storey duplex block, 2.5m to the southern boundary would lead to significant overlooking of lands to the south that could negatively impact upon the development potential of those lands.

7.3. Bat Survey and Impact on Visual Amenity

- 7.3.1. The proposed development involves the significant removal of mature trees and hedgerow from the site. SDCC's planner's report details that bat activity has been found on a neighbouring site and that using the precautionary approach a bat survey should be undertaken to establish if there is a need to mitigate the potential loss of habitat and feeding areas from this application site. The appellant has detailed that this was not raised in the previous application and have argued that a bat survey cannot be supplied at this time of year. They have questionably submitted an 'Ecological Impact Assessment' carried out for the adjoining site to the south to support this appeal. It is noted this assessment appears to have identified bats along the southern boundary of trees that make up the current application site.

- 7.3.2. The Planning Authority's concerns are therefore reasonable. However, a grant of planning permission does not constitute consent for a developer to disturb bats or to interfere with their breeding or resting places. Therefore, the developer must still comply with the provisions of the NPWS's licensing regime and a derogation licence maybe required for the site. The lands are zoned, and residential development is appropriate for the site. Accordingly, should the Board decide to grant permission I recommend a condition to be included requiring a bat survey to be carried out, during the appropriate period and to be submitted to the Planning Authority for their written agreement prior to the commencement of any development.
- 7.3.3. The site is rural in character due to the mature roadside trees and hedgerow. However, the site is clearly located within a changing urban setting. The height and scale of the proposed structures on the site are not considered to be significantly out of character with this urban setting having particular regard to the Scholarstown Wood residential development on the opposite site of Stocking Lane. I do not consider that the proposed development would have a significantly negative impact on the visual amenity or landscape of the area.
- 7.3.4. The Planning Authority's third refusal reasons relates to the proposed removal of existing trees and hedgerow from the site. In my opinion, the setting back of the site boundary along Stocking Lane is necessary to provide sight lines at the entrance and to facilitate pedestrian facilities along the site frontage. In this regard it is noted that Table 6.6 of the Development Plan sets out a Road Objectives to upgrade the existing Ballyboden Road/ Stocking Lane (R115) *'To enhance pedestrian and cycling facilities and exploit the tourist potential of the route.'* The proposed setting back of the roadside boundary will contribute to achieving this objective. The Tree Survey and Condition Report proposes 50 new trees planted in a double row either side of the footpath to replace 30 trees being removed and a sloped bank with shrubs and native hedgerow to match the existing. The Tree Survey drawing (no. 2258-13) appears to show 32 exiting trees while the survey refers to 31. The proposed Site Layout and Taking in Charge and Landscaping Drawings (No 2258-15 and 2258-16) do not appear to translate the recommendations of the Tree Survey and Condition Report and instead show 38 new trees. Replacement planting along the boundary to Stocking Lane is appropriate and that over time the visual impact of the loss of the existing roadside trees would be partially mitigated. Should the Board decide to grant

permission I recommend a condition to be included requiring a revised landscaping scheme to be submitted to address the discrepancies in the survey and the drawings.

7.4. Design and Impact on Residential Amenity

- 7.4.1. The internal layouts of the residential units and private amenity space provision in the form of rear gardens and balconies/terraces for both houses and apartments, are consistent with Housing Policy 14 and section 11.3.1 Residential as set out in the Development Plan and Appendix 1 of the 2018 Apartment Guidelines.
- 7.4.2. The Planning Authority's fourth refusal reason relates to the proposed communal amenity space to the south of the duplex block and they describe it as a narrow strip/alleyway. The application indicates that 73 sq.m of communal amenity space is to be provided exceeding the requirement of 33 sq.m as set out in the apartment guidelines.
- 7.4.3. This proposed communal amenity area includes a children's play area next to the area of car parking for the apartments. Two areas of ground floor private amenity space are located directly adjoining this communal area and the proposed boundary treatments appear to show c.1-1.4m glazed screens and a 0.5m high shrub bed (Drawing No's. 2258-16 & 2258-25). The depth of the private amenity areas appears to range from c.1.6-1.8m leaving an area of 0.7-0.9m to the southern boundary for users of the communal area to pass by.
- 7.4.4. The appellant makes the case that the area to the rear of the duplex block should be considered as privacy strip. To do so, it would appear to suggest that this space is to be used exclusively by units 5 and 6 only which is contrary to the principal of communal amenity space for the 5 units in the block.
- 7.4.5. The location of the proposed area of communal amenity space to the southern boundary of the site and to the rear of the duplex block and the overall quality of the long and narrow layout would result in a poor layout and level of residential amenity for the residents of the duplex block. This space, including the children's play area would not benefit from adequate passive surveillance and would have a poor distinction between the communal and private amenity areas, leading to inadequate privacy and a sense of safety and security to the ground floor apartments. The

narrow width of the space and proximity to the site boundary with proposals for 6 metre high trees would enclose the area giving poor access to sunlight overtime. The proposal would therefore be contrary to sections 3.40, 3.41, 4.10, 4.11 and 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

- 7.4.6. It is noted that section 4.12 of the Apartment Guidelines allows communal amenity space requirements to be relaxed for urban infill schemes on sites of up to 0.25ha, in part or whole, on a case-by-case basis, subject to overall design quality. This area of communal open space is considered of very poor quality. In order to address the narrow nature of the area and its proximity the southern boundary to achieve high quality residential amenity for the overall development it is considered that a fundamental redesign of the overall scheme and layout is required. It would not be appropriate to address this through condition.
- 7.4.7. The appellant makes the case that public open space is not required for this development as it is under 10 units and refers to section 11.3.1 (iii) of the development plan. The appellant argues that the proposed public open space has been redesigned to the centre of the development to overcome the previous ABP refusal reason. The appellant also argues the relocated open space can be considered as communal amenity space.
- 7.4.8. My understanding of Section 11.3.1 (iii) of the Development Plan requires all new residential development (not including Zoning Objective RES-N) to incorporate a minimum of 10% of the total site area as public open space. The application proposes 200 sq.m of public open space between the front of the duplex block and the access road. This space represents 10% of the site area. It is also noted that section 11.3.2 (i) does allow the area of open space to be reduced for infill sites subject to safeguards to protect residential amenity.
- 7.4.9. This area of public open space is overlooked by houses 1-3 from a distance of at least c.25m. 6 car parking spaces are located to the front of the houses and a further 5 car parking spaces are located between the access road and the area of private open space. Passive surveillance will therefore be difficult from the ground floor of Houses 1-3 when cars are parked.

There is no passive surveillance of the public open space from apartments 6, 7 and 9 with the exception of the external staircase to unit 7. There is minimal passive surveillance from the kitchen area of unit 8 which is restricted by the c 1m set back from the wall of its private balcony. The balcony does overlook the public open space.

The window/double door of ground floor apartment number 5 faces in a north west direction and on its own does not adequately overlook all the area of public open space.

House 4 is set back 6m from the area of private open space and in my opinion is the only unit that provides adequate surveillance of the area of public open space.

- 7.4.10. The proposed development is considered contrary to the provisions of the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and specifically Section 7 (p.56) that states-

“much personal safety – both real and perceived derives from overlooking, or natural surveillance. Natural surveillance can be provided by overlooking from nearby homes,”

and Section 8 (p.60 & 61) that states-

“All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use” and

“Designers should therefore locate open space in areas where they will be directly overlooked by people when inside their home”

The proposed area of public open space and children’s play area are therefore considered lacking in adequate natural and passive surveillance which would result in a substandard level of residential amenity.

- 7.4.11. Houses 3 and 4 at the northern end of the site are located in very close proximity to Coolamber with House 4 to the west being within c.3.2m at the closest point and House 3 to the east at c.4.8 metres at its closest point. House 4 which faces south is designed without any windows in the east elevation facing closest to Coolamber. While the design of House 4 is such that there would not be any direct overlooking of Coolamber, I note that the rear of House 4 would overlook the front garden area

proposed to be retained to the west of Coolamber with first floor windows located as close as 4 m of the shared boundary. I also consider that the scale and height of the House 4 and its proximity to the front elevation of Coolamber as such that it would have an overbearing visual impact and intrusion on the front garden and dwelling of Coolamber.

- 7.4.12. In the case of the proposed dormer style house 3 to the east of Coolamber, the first floor windows on the front elevation would overlook the southern part of Coolamber including the rear of its side annex as well as an area of private open space to the rear of the existing dwelling. Notwithstanding the proposed 2m high boundary wall there would be still be a loss of residential amenity for the occupants of Coolamber by reason of overlooking, overbearing and visual intrusion.
- 7.4.13. Houses 1 and 2 are gable fronted facing west. Three dormer roof style windows are proposed at second floor level and all face south. These windows to house 1 are to be off obscure glazing given its proximity of 1.2m to the southern site boundary. These windows appear to face directly into the rear private space behind the existing dwelling to the south of the application site. As such if the Board decide to grant permission for the development it is recommended that a condition be attached omitting the south facing windows at second floor level to house 1 or that they be off a non-opening type with obscure glazing. A larger openable window can be provided to the west facing front elevation.
- 7.4.14. Overall, while the principle of infill residential development on the site is acceptable, the quality of the layout of the development and in particular public open space is such that adequate levels of natural and passive surveillance cannot be provided from the residential units. The development also provides a substandard quality of communal amenity space to the five apartments and would result in an overall poor standard of residential amenity for all future occupants of the development. It is also considered excessively close to the existing dwelling Coolamber to the north and would result in a loss of residential amenity to it by virtue of overlooking, overbearing and visual intrusion.
- 7.4.15. The option of omitting units 3 and/or 4 which have the most significant negative impact on the residential amenity of Coolamber was considered. However, the location, orientation and design of apartments in the duplex block around the public

open space and in front of the communal space are all considered significant issues in the proposed layout. The omission of units 3 and 4 would enable the provision of additional public open space, however the quality and layout of such space within the overall development would remain poor. It is therefore considered that a more comprehensive re design of the scheme is required that is beyond the scope of alterations that could be addressed by condition.

7.5. Traffic and Access

- 7.5.1. The development proposes the creation of a new access onto Stocking Lane at a point where the speed limit is 50 km/hr. The submitted layout indicates a sight line of 50metres in each direction. At the time of inspection of the site it was observed that the available sight lines when exiting the existing entrance to Coolamber are seriously deficient and in the event that a future application for development was being considered, the option of using a new access point from the application site to access Coolamber could be incorporated.
- 7.5.2. Parking within the development is proposed at the rate of 2 no. space per residential unit with a further 1 no. space per apartment unit and two visitor spaces. This parking provision is consistent with the provisions of the development plan and is considered to be acceptable.
- 7.5.3. The site layout shows a new combined 3m footpath and cycle lane is indicated between the southern part of the site and the entrance before narrowing to a 1.8m footpath and 1m grass verge from the northern point of the entrance to the existing entrance to Coolamber. The roads and parking layout plan drawing refers to a 3m footpath and cyclepath along the full frontage of the site. The site layout proposes replacement tree planting along the roadside frontage of the site.
- 7.5.4. Chapter 6 of the SDCC development plan deals with Transport and Mobility. Table 6.6 sets out Medium to Long Term Road Objectives. It is noted that an upgrade of the existing Ballyboden Road/ Stocking Lane (R115) is listed with a function 'To enhance pedestrian and cycling facilities and exploit the tourist potential of the route.' The report of the roads department sought additional information seeking a drawing showing a footpath and cycle track that does not involve the removal of trees along the western boundary.

7.5.5. Having regard to the roads objective, the busy nature of the road, the presence of a cycle path on the other side of the R115 and to section 7.3.4 above it is considered appropriate that a footpath should be provided along the frontage of the site. Should the Board decide to grant permission for the development it is recommended a condition be attached to ensure setting back of the existing roadside boundary and the provision of a footpath along the frontage of the site.

7.6. **Site Servicing**

7.6.1. The development is proposed to be served by connections to the public water and wastewater systems and Irish Water have reported that there is no objection to the proposed development. The existing house Coolamber is connected to a septic tank that appears to be shared with the adjoining house to the north and which is located on this adjoining site. The granting of permission would facilitate the decommissioned of the existing septic tank.

7.7. **Appropriate Assessment.**

7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. Having regard to the above, it is recommended that permission be refused for the following reasons-

9.0 **Reasons and Considerations**

1. Having regard to the provisions of sections 7 (Layout) and 8 (Public Realm) of the Urban Design Manual Companion Document of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and the provisions of sections 3.40, 3.41 (Security Considerations), 4.10, 4.11 and 4.12 (Communal Amenity Space) of the

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018; the layout of the proposed development is considered substandard in its provision of quality public open space and quality communal amenity space. The development as proposed would therefore seriously injure the amenities of future occupants of the development, would be contrary to the above named guidelines and as such would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the three storey duplex/apartment block, 2.5m to the southern boundary it is considered that the proposed development would lead to significant overlooking of lands to the south that could negatively impact upon the development potential of these residentially zoned lands. The proposed development would therefore be contrary to the RES zoning objective *to protect and/or improve residential amenity* as set out in the South Dublin County Council Development Plan 2016-2022. As such the proposed development would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the siting and orientation of Units 3 and 4 and the scale and proximity of these units relative to the existing dwelling 'Coolamber', it is considered that the proposed development would have a negative impact on the residential amenity of 'Coolamber' by virtue of overlooking, overbearing, visual impact and visual intrusion. The proposed development would therefore seriously injure the residential amenity of 'Coolamber' and, would be contrary to the residential zoning objective of the site and the protection of residential amenity and would be contrary to the proper planning and sustainable development of the area.

Adrian Ormsby
Planning Inspector

20th July, 2020