



An
Bord
Pleanála

Inspector's Report ABP 307446-20.

Development	A two-storey, two bedroom house, pedestrian entrance and associated and associated site works.
Location	54 Castlepark Road Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D20A/0134
Applicant	Andrew Lohan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Andrew Lohan
Observers	(1) Edel & Paul Fitzgerald (2) Jayne Doran & Peter Lambert
Date of Site Inspection	18 th of August 2020
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at 54 Castlepark Road, Dalkey, Co. Dublin. It is part an established residential area situated to the north of the rail line. Glenageary Dart station is situated circa 450m to the west of the site.
- 1.2. The site has an area of 0.0326 hectares it is extensively overgrown. It comprises the western section of the rear garden of a detached dwelling. The existing dwelling 'Lilac Lodge' is a Victorian property built circa 1858. It has an area of 192sq m. The site is bounded by the Metals to the south. The Metals is a pedestrian/cycle route which runs from Dalkey to Dun Laoghaire.
- 1.3. The property no. 3 Arkendale Road is situated to the north of the site. The western boundary of the site adjoins no. 4a Arkendale Road which is a backland property accessed from Arkendale Road to the north. There are two further backland properties to the west of this dwelling.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two-storey, two bedroom dwelling, pedestrian entrance and associated and associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reason;

Having regard to the form and scale of the proposed development, which comprises of a new dwelling house to the rear of an existing dwelling with no off street car parking provision, does not comply with Section 8.2.3.4 (vi) Additional Accommodation in Built-up Areas (Backland Development) of the Dún Laoghaire Rathdown County Development Plan 2016-2022, which requires, inter alia, adequate vehicular access of lane width of 3.7m to a proposed dwelling (3.1m pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles. Furthermore, the lack of off-street car parking to serve the proposed development would not be in compliance with Section 8.2.4.5 Car parking Standards

of the current County Development Plan, and would potentially result in nearby on-street parking. The proposed development would, if permitted, therefore contravene the provisions of the current County Development Plan, would endanger public safety by reason of traffic hazard or obstruction of road users, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority concluded that having regard to the nature of the development as a car free proposal and the access arrangements for emergency services that the development fails to accord with Section 8.2.4.5 of the Development Plan which refers to car free developments and Section 8.2.3.4(vi) which refers to Backland Development. Concern was also expressed in relation to the lack of car parking potentially resulting in nearby on-street parking.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – Refusal recommended.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 3 no. observations/submissions in relation to the application. The issues raised referred to privacy and that there was no objection in principle to the proposed development.

4.0 Planning History

PA Reg. Ref. D20A/0133 – Permission was granted for development consisting of a 3-bedroom first floor extension to existing (partially 2-storey) dwelling and associated site works to no. 54 Castlepark Road.

PA Reg. Ref. D19A/0429 – Permission was refused for a 2-storey, 2-bedroom house on site in rear garden of the existing house no. 54 Castlepark Road and associated site works. Permission was refused for the following reason;

1. The proposal fails to accord with Section 8.2.3.4 (vi) (Backland Development) of the current Dun Laoghaire Rathown County Development Plan, 2016-2022, whereby it does not provide an adequate lane width to allow easy passage of large vehicles such as fire tenders/emergency vehicles. In addition, the proposed use of vehicular turntable within the shared car parking area to accommodate the additional car parking spaces which would set an undesirable precedent for similar development. The proposed development would therefore endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and would not be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective A ‘to protect and/or improve residential amenity’.
- Chapter 8 – Principles of Development
- Section 8.2.3.4(vi) Backland Development: Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses.

Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such.

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites within the existing builtup area, the following standards will apply:

- Generally be single storey in height to avoid overlooking.
 - Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
 - A wider entrance may be required to a backland development to or from a narrow laneway.
 - Existing dwelling and proposed dwellings shall have minimum individual private open spaces of 48 sq m each - exclusive of parking - for one/two bedroom units or 60 sq m plus for three/four or more bedroom units.
 - Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Section 8.2.3.4 (vii) Infill: “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

5.2. Natural Heritage Designations

5.2.1. Dalkey Island SAC (Site Code 004172) is 1.4km to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC (Site Code 003000) is 1.8km to the east of the appeal site.

5.3. EIA Screening

5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A first party appeal has been lodged by Manahan Planners on behalf of the applicant Andrew Lohan. The issues raised are as follows;

- In relation to the location of the public road from the site it is highlighted that the proposed entrance to the dwelling would be located circa 60m from Castlepark Road.
- The applicant has employed the services of a Fire Consultant and proposes to install a dry riser with sufficient distance of the proposed dwelling to allow for effective firefighting operations and this therefore addresses the concerns in relation to access for emergency service vehicles.
- It is submitted the site is situated in a location which is very suitable for 'car free' development. Section 8.2.4.5 of the Dún Laoghaire-Rathdown Development Plan refers to 'car free' development and states, *"The Council may consider the development of car-free housing on suitable small scale sites which have with high levels of public transport accessibility, have convenient and safe access to local shops and community facilities and/or are located very close to Town Centres."*
- The site is situated close to the proposed Sandycove Cycleway and is also in close proximity to rail and bus routes. Glenageary Dart station is located circa 450m from the site. 'The Metals' pedestrian route links to site to the Dart station. The site is located circa 300m from the bus routes 7d, 59 and 111 which provide access to the City Centre, Dún Laoghaire, Killiney and Brides Glen Luas Stop.
- The site is situated within 10 minutes walk of Dalkey village. With pedestrian access provided along 'The Metals' to Barnhill Road towards Dalkey. It is

noted that the future residents of the proposed dwelling would have pedestrian access to a wide variety of facilities and services.

- The applicant does not accept that the proposed development will “*potentially result in nearby on-street parking*”. It is set out in the Development Plan that “*those living in car free housing may not be eligible for on-street parking permits where on-street parking exists*”. It is noted that the residents of the proposed development will not be eligible for on-street parking permits.
- It is submitted that the proposed development is in accordance with the provisions of the Development Plan and policy Guidelines which encourage the use of walking and cycling for access to work, services and schools. The proposed development is therefore in accordance with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

- The Board is referred to the report of the Planning Officer.
- It is considered that the grounds of the appeal do not raise any new matters which would in the opinion of the Planning Authority justify a change of attitude to the proposed development.

6.3. Observations

(1) An observation to the appeal was submitted by Edel & Paul Fitzgerald. The issues raised are as follows;

- The Observers live at no. 3 Arkendale Road which adjoins the appeal site.
- The application was refused on the grounds that the development did not comply with the requirements of access of fire and other emergency service vehicles.
- The appeal responds only to the fire service vehicle issue with the proposal to install a dry riser. No proposals are provided as to how this would function and where it would be located. It is not considered a suitable or practical solution for a single house. It would entail the laying of a long horizontal pipe which

would be difficult to dry. The drain would be required to be located under 'The Metals' or through Lilac Lodge to gain access to the dwelling. The drain would be required to be tested annually and this would be the responsibility of a party other than the owner of the new dwelling as the majority of the pipe would lie outside the boundary of the site. The pipe would need to be attached to the face of the boundary wall on The Metals and could be subject to vandalism. The fire service in attending a fire at a residential property would not expect to connect to a dry riser and this could result in a loss of time in an emergency. It is for this reasons that the proposed installation of a dry riser would not be appropriate.

- It is set out in the appeal that the development would be a suitable candidate for a 'car free' development and that it would not result in an increase in on-street car parking. The site is situated in a suburban location and is not located in close proximity to or within a town centre. It is considered that visits to the nearest local supermarkets or shops would require the use of car. 'The Metals' which is noted as a pedestrian/cycle route could be considered unsafe after dark.
- The site is situated close to a narrow section of Castlepark Road where there is a bend and there is a pedestrian crossing with a traffic light for 'The Metals'. This would be a dangerous location for deliveries and not a suitable location for visitors to stop or park. It is highlighted that the Development Plan envisages car free living within a village or town centre where deliveries and vehicle drop offs can be made but without the requirement for a dedicated parking space for the dwelling. It is submitted that the proposed development does not adhere to this.
- It is noted that access for construction on site would be difficult without using the garden of Lilac Lodge.
- It is noted that the site location map on page 2 of the appeal is incorrect as it shows the redline site boundary including the rear garden of Lilac Lodge.
- The observation also highlights the issues raised in the submission to the Council. The issues raised refer to potential overshadowing and visual impact

of the proposed development upon the observer's property, potential overlooking and overdevelopment of the site.

- The observers request that the Board uphold the decision of the Planning Authority and refuse permission for the proposed development.

(2) An Observation to the appeal was submitted by Jayne Doran & Peter Lambert. The issues raised are as follows;

- The Observers live at no. 4a Arkendale Road which adjoins the appeal site.
- They raise concern regarding the floor to ceiling glazing which is proposed to the entire western elevation at first floor level. It is submitted that the level of glazing is excessive and that it would have an overbearing impact on the Observer's property.
- The proposed glazing would be highly visible from the Observer's rear garden and it would result in obtrusive overlooking. The proposal would therefore have a negative impact upon the Observers existing residential amenities.
- The Observers state that they have no objections in principle to the development of a dwelling on the site. They request a redesign of the proposed dwelling to address the overbearing and oppressive glazing to the western elevation.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and the observations to the appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Access and parking
- Impact on residential amenity
- Appropriate Assessment

7.1. Access and parking

- 7.1.1. The Planning Authority refused permission for the proposed development on the basis that the proposal is not in accordance with Section 8.2.3.4 (vi) of the Dún Laoghaire Rathown County Development Plan 2016-2022 which refers to Backland Development. The Planning Authority were not satisfied with the access arrangements proposed to serve the development in respect of the passage of large vehicles such as fire tenders/emergency vehicles. In addition, the Planning Authority considered that the lack of off-street car parking to serve the proposed development would not be in compliance with Section 8.2.4.5 of the Development Plan which refers to car parking standards and that the proposed scheme could potentially result in on-street parking in the immediate area.
- 7.1.2. Car parking standards are set out under Table 8.2.3 of the Development Plan. Generally, 1 no. car parking space is required for all one bed and two – bedroom dwellings. The proposed scheme comprises a detached two-storey dwelling containing two bedrooms. Therefore, the development would generate the requirement for 1 no. off-street car parking space.
- 7.1.3. It is set out in the appeal that the site should be considered a location which is very suitable for ‘car free’ development. Section 8.2.4.5 of the Development Plan refers to ‘car free’ development. It advises that in very limited circumstances, the Council may consider the development of car-free housing on suitable small-scale sites which have with high levels of public transport accessibility, have convenient and safe access to local shops and community facilities and/or are located very close to Town Centres. The appellant considers that the site represents a such a location on the basis of the proximity of Glenageary Dart Station circa 450m from the site and the proximity of the bus routes no. 7d, no. 59 and no. 111. The location of the site adjacent to ‘The Metals’ pedestrian/cycle route is also cited in the appeal. In relation to this matter, while I note the close proximity of the Dart Station and the bus routes, the site is situated in a suburban location which is circa 1km from Dalkey main street which is designed a Neighbourhood Centre. The closest Town Centre to the site is Dún Laoghaire which lies circa 1.7km away. Given that the closest Neighbourhood Centre is 1km from the site and the closest Town Centre is 1.7km from the site, I

would therefore concur with the assessment of the Planning Authority that the proposal would not represent a suitable location for a car free development.

- 7.1.4. It is argued in the appeal that the proposed development will not potentially result in nearby on-street parking. The appellant states that if the proposed development were considered to be a suitable car free development that future residents of the property would not be eligible for on-street parking permits.
- 7.1.5. Having regard to the location of the site circa 50m from the public road with only pedestrian or cycle access available from 'The Metals' delivery vehicles serving the property would be likely to pull in on Castlepark Road. This would result in obstruction of road users. Furthermore, in the absence of off-street car parking to serve the proposed dwelling it would generate the requirement for on-street parking in the vicinity both by residents of the property and visitors to the property.
- 7.1.6. Section 8.2.3.4 (vi) of the Development Plan refers to Additional Accommodation in Built-up Areas (Backland Development). In relation to vehicular access it specifies that, vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles. It is proposed to access the dwelling via 'The Metals' which is a pedestrian/cycle route. Accordingly, a pedestrian gate is proposed onto 'The Metals'. The report of the Transportation Planning Section noted that the access to the backland site is constrained by the location of the adjacent boundary wall and the gable wall of the existing dwelling to a maximum width of 2.898m. Therefore, the access arrangements for large vehicles could not be achieved to the northern side of the existing dwelling.
- 7.1.7. In response to the matter of access to the site by large vehicles such as fire tenders/emergency vehicles, the applicant employed the services of a Fire Consultant. They propose to install a dry riser with sufficient distance of the proposed dwelling to allow for effective firefighting operations. This would entail the installation of an empty pipe to serve the property which could be connected to by firefighters and used as a pressurised water system. This proposal was discussed in an observation to the appeal. This highlighted that it may not represent a suitable solution for the proposed single dwelling house as it would entail the laying of a long horizontal pipe located either under 'The Metals' or through the existing property no.

54 Castlepark Road to provide access to the proposed dwelling. Therefore, given that the proposed dry riser would be located predominately outside the site the installation and maintenance of the dry riser would occur on lands outside the control of the applicant. Furthermore, I note appeal did not address the matter of access to the site by other emergency services and for refuse collection. Accordingly, I am not satisfied that the appeal has overcome the matter of adequate vehicular access to serve the dwelling to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.

7.2. Impact on residential amenity

- 7.2.1. Concerns have been raised by observers regarding potential overlooking, overshadowing and overbearing. The proposed dwelling is detached and two-storey with a flat roof. The ridge height is 6.17m. In relation to the proximity of existing properties to the proposed dwelling I note that the dwelling no. 3 Arkendale would have a separation distance of over 40m from the site. Having regard to the separation distance provided and the height and design of the proposed dwelling I am satisfied that it would not unduly impact upon the residential amenities of the neighbouring dwelling to the north.
- 7.2.2. No. 4a Arkendale is situated immediately to the north-west of the appeal site. The side elevation of the dwelling addresses the western site boundary. This elevation features ground to ceiling height glazing. There is a separation distance of circa 15.5m between the proposed dwelling and the western site boundary. The distance between the two dwellings would be approximately 17m. Furthermore, I note given the siting of the existing dwelling relative to the proposed dwelling that there would not be any directly opposing first floor windows. The boundary features existing mature planting. As detailed on the Proposed Site Plan Drawing No: 1900-P01 additional screen planting to a height of 2m is proposed to supplement the existing planting. Having regard to the separation distance provided between the proposed dwelling and the neighbouring property no. 4a Arkendale and the existing and proposed planting it is considered that no significant overlooking will occur.
- 7.2.3. It is also noted that the Planning Officer's report raises no concerns regarding potential overlooking, overshadowing or overbearing impacts.

7.3. Appropriate Assessment

- 7.3.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is refused based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the backland nature of the proposed development, the form and scale of the proposed dwelling, the absence of off-street car parking and the access arrangements, the proposed development would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Specially, the proposed development would be contrary to Section 8.2.3.4 (vi) which refers to Backland Development and which requires adequate vehicular access of lane width of 3.7m to a proposed dwelling (3.1m pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles. The proposed development does not provide off-street car parking to serve the dwelling which is contrary to Section 8.2.4.5 of the Development Plan. This would generate on-street car parking on public roads in the vicinity of the site. Accordingly, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

27th of August 2020