



An  
Bord  
Pleanála

## Inspector's Report ABP-307564 - 20

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<b>Development</b>	Demolition of existing house and associated structures on site and construct 20 apartments with associated open space, car parking and site works.
<b>Location</b>	Cromlech Cottage, Killiney Hill Road, Killiney, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0155
<b>Applicant(s)</b>	Conskig Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Observers</b>	Kieran Fagan Don Sheahan Una Geoghegan Nuala Donnelly & David Kehoe

**Date of Site Inspection**

9<sup>th</sup> September 2020

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. Cromlech Cottage comprises of a detached, two storey, house and associated buildings located to the west of the Killiney Hill Road, Killiney, Co. Dublin. The house and site are accessed by way of a short laneway such that the house is circa 72 m to the west of the public road. The house and its associated buildings have a stated floor area of 562.6 sq m and is located on a generous site with a stated area of 0.46 hectares. There is extensive tree and hedgerow planting forming the site boundary. To the north of the site is the Deansgrange River, which is mostly hidden from view by natural planting. A large area of hardstanding to the east/ front of the provides for car parking.
- 1.2. The house is gable fronted to the south east and rear/ north west and is a long structure at 26 m positioned on a north west to south east axis. To the south of the house is a small courtyard area surrounded by sheds/ stores and a glasshouse. A garage is located to the north and a shed to the north east of the house. The house appears to be in good condition, though general maintenance of the site appears to have ceased for a period of time.
- 1.3. As stated, the house is set back from the public road. Between the public road and the south eastern side of the site is part of Castle Court, a residential development of two-storey terraced houses; to the east/ north east and north are detached houses. To the west/ rear of the site is St. Aubyn's Court which is a residential development of two-storey terraced houses and which is accessed from the Shanganagh Road.
- 1.4. The site is circa 640 m to the south of Ballybrack village and just under 2 km from Shankill village. The nearest bus stops are on Shanganagh Road, approximately a 400 m walk from the site. Dublin Bus routes 7B/D serve this stop and the City Centre during peak hours only. Go-Ahead routes 45A/B connect this stop with Dun Laoghaire and Bray. There is no all-day bus service to the city centre.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:

- The demolition of the existing house and associated sheds/ stores and garage with a stated floor area of 562.6 sq m. The house has a stated floor area of 404 sq m (as per Drawing No. PL-001 – Survey Existing Site Layout).
- The construction of a four storey apartment block on this site of 0.46 hectares providing for a total of 20 units as follows:

<b>Floor</b>	<b>One Bed</b>	<b>Two Bed</b>	<b>Total</b>
<b>Ground</b>	2	3	5
<b>First</b>	2	3	5
<b>Second</b>	2	3	5
<b>Third</b>	2	3	5
<b>Total</b>	8	12	20

- Total of 20 car parking spaces (18 standard and 2 accessible) and 24 bicycle parking spaces.
- Bin storage provision
- All landscaping, boundary treatments and associated site works.
- Provision of an electricity sub-station.

Proposed density is 43 (43.47) units per hectare.

The following supporting documentation were included with the application:

- Supporting Planning Statement – Downey Planning
- Engineering Services Report – OCSC
- Site-Specific Flood Risk Assessment – OCSC
- Screening Report for Appropriate Assessment – Openfield Ecological Services

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for the development subject to two reasons for refusal as follows:

1. Having regard to the location and layout of the proposed development, being partially located in Flood Zones A and B; it is contrary to the requirements of Sections 5.1, 5.2.1 and 5.3.5, of Appendix 13 (Strategic Flood Risk Assessment) of the County Development Plan, 2016 – 2022. It is considered therefore, that the proposed development is prejudicial to public health, is contrary to the proper planning and sustainable development of the area, and would help set a poor precedent for similar type development in the area.
2. Having regard to the height, scale, and bulk/ massing of the proposed four-storey apartment block, its limited side and rear boundary separation distances, and the closely adjacent surrounding dwellings, it is considered that the proposed development, by reason of its overall size and layout; would appear overly prominent and overbearing on adjoining residential properties. It is considered therefore, that the proposed development would seriously injure the residential and visual amenities, and depreciate the value of property in the vicinity, would help set an undesirable precedent for similar type development in the area, 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 report reflects the decision to refuse permission for the proposed development.

#### 3.2.2. Other Technical Reports

**Public Lighting – Municipal Services Department:** Further information requested in relation to the provision of a full lighting design and report.

**Housing Department:** No objection to the proposed development subject to condition that the developer/ applicant enters into an agreement in accordance with Part V of the Planning and Development Act 2000 as amended.

**Environment Section:** No objection subject to conditions.

**Drainage Planning – Municipal Services Department:** Refusal recommended as the proposed development is partially located in Flood Zones A and B. In addition, to this recommended refusal, the Drainage Planning report outlines a long list of issues that require addressing in relation to surface water drainage.

**Transportation Planning:** Further information was requested in relation to a number of issues including: provision of 22 parking spaces, provision of charging areas, suitable covered bicycle parking, motorcycle parking, demonstrate that sightlines onto the Killiney Hill Road meet standards, road safety audit, suitable footpath provision and access arrangements for deliveries, emergency vehicles etc. Also, requested to submit details on how the indicated pedestrian links can be provided, to provide a Traffic and Transport Assessment, a Mobility Transport Statement and a Construction Management Plan.

**Public Lighting:** No objection and same comment on receipt of further information.

### 3.2.3. **Prescribed Bodies**

**Irish Water:** Further information requested in relation to the provision of proposals for a wayleave for the diversion of an existing combined sewer crossing the site. Secondly it is requested that the proposed foul drainage method be revised to connect to the existing foul drainage network and not the combined sewer.

### 3.2.4. **Objections**

A total of 20, third party, submissions were received objecting to this development. Issues of planning concern included:

- The proposed development will impact on existing residential amenity through overlooking leading to a loss of privacy, will be overbearing and result in a loss of daylight.
- The proposed development is out of character with existing properties in the area. This is in terms of height and nature of the proposed building. Houses would be more suitable in this area.

- The development will give rise to increased traffic and potential road accidents.
- Existing houses will be depreciated in value.
- Potential increase of flooding in the area. Concerns expressed and supported by engineering comments.
- Negative impact on existing sewer networks.
- Demand for additional car parking in the area.
- Loss of green lands in the area.
- Disturbance to biodiversity in the area.
- Some welcome for the development of this site subject to the addressing of issues of flooding.

#### **4.0 Planning History**

- None

#### **5.0 Policy and Context**

##### **5.1. Development Plan**

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.
- 5.1.2. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.3. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘.. to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character

of areas, with the need to provide for sustainable residential development'. I also note the following:

'As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives GB, G' and B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas. Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area'.

Under 2.1.3.4 'Policy RES4: Existing Housing Stock and Densification' it is policy to:

- Encourage densification of the existing suburbs in order to help retain population levels – by 'infill' housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.

Under 2.1.3.7 'Policy RES7: Overall Housing Mix' 'It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy'.

- 5.1.4. Section 5.1 refers to 'Environmental Infrastructure and Management' and Section 5.2 refers to 'Climate Change, Energy Efficiency and Flooding'. 'Policy CC15: Flood Risk Management' states 'It is Council policy to support, in cooperation with the OPW, the implementation of the EU Flood Risk Directive (2007/60/EC) on the assessment and management of flood risks, the Flood Risk Regulations (SI No 122 of 2010) and the Department of the Environment, Heritage and Local Government and the Office of Public Works Guidelines on 'The Planning System and Flood Risk Management, (2009)' and relevant outputs of the Eastern District Catchment and Flood Risk Assessment and Management Study (ECFRAMS Study)'. The following are noted:



- ‘Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere must be accompanied by a Site-specific Flood Risk Assessment, and Justification Test where appropriate, (Refer to Development Management section 8.2.10.4 and Appendix 13 SFRA for further detail).
- Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted’.
- The following from Appendix 13 – Section 5.3.5 is noted:  
 ‘Whilst Parts 1 and 2 of the Justification Test have been passed, the draft CFRAM outputs indicate possible flood depths of up to 1m. Development in Flood Zones A and B, whether infill or extensions that increase the footprint of a building, should be considered premature without consideration of the CFRAM findings and its recommendations for flood management measures (Class 1 domestic extensions which do not increase the footprint of a building, including garage and attic conversions and/or building over an existing ground floor will be considered). If the CFRAM proposes a flood relief scheme, this should be implemented prior to larger development taking place and care should be taken to ensure minor developments will not have a negative impact on the CFRAM's recommended scheme and will not bring additional people into the floodplain (such as an extension to a nursing home or change of use from less to highly vulnerable)’.

5.1.5. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.

Section 8.2.4.12 refers to Electrically Operated Vehicles – One parking space per 10 spaces to provide for electric charging.

Section 8.2.10.4 refers to Flood Risk Management.

## 5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
  - National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
  - National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
  - National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Design Manual for Urban Roads and Streets (DMURS).
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- 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.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).

- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG & OPW 2009).

### 5.3. **Natural Heritage Designations**

None on site.

### 5.4. **EIA Screening**

Having regard to the nature of the proposed development comprising the demolition of a habitable house and associated domestic buildings and for a residential development of 20 units in the form of apartments including all necessary site works, in an established zoned, urban area and where infrastructural services are available, 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 applicant has engaged the services of Downey Planning to prepare a first party appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this residential development.

The grounds of appeal are summarised as follows:

- The existing site status is provided, the house on site is in good condition and the site area of 0.46 hectares is suitably zoned. Services such as retail, education and medical centres are located nearby. Bus services are available within walking distance.
- It is not foreseen that the development will impact on the amenity of the area.
- A four-storey apartment block is proposed and will provide for 20 units, in the form of one and two bedroom units.
- The issue of flooding and location of the site partially within Flood Zone A and B is addressed. The development has been designed in accordance with 'The

Planning System and Flood Risk Management Guidelines for Planning Authorities'. Phase 2 development of the lands to the north (not part of this appeal) will not take place until Dun Laoghaire-Rathdown County Council complete a Flood Relief Scheme for the Deansgrange stream.

- The development is therefore considered to be acceptable in terms of the 'Justification Test' provided in the guidelines. Compensatory flood storage can be provided until such time as permanent measures are completed. Details have been prepared by O'Connor Sutton Cronin in support of the appeal.
- The site is suitable for a development of the scale/ density proposed and is in accordance with local and national policy.
- The prevailing pattern of development in the area is displayed (Figure 4 of the appeal statement) and outlined.
- Due to the issue of flooding, the development of these lands is to be on a phased basis. This is not therefore piecemeal development as the first phase can take place now whilst the second phase waits the proposed works to be undertaken by Dun Laoghaire-Rathdown County Council.
- The issue of scale and height is noted and in response a total of 4 units are proposed to be omitted – north west corner of the block. In addition, the block is proposed to be relocated to the east (relatively minor relocation) and revisions undertaken to the design of the apartment block.
- The relocated block – 6 m from the northern boundary will increase the separation distance to the stream and the issues of flooding.
- A mature hedge to the western boundary, will ensure that overlooking of the properties to the west will not occur. Other measures will reduce the potential for overlooking.
- It is not foreseen that the block will give rise to overbearing and references the nearby 'Stonecroft' building to the south which is a similar height to the proposed development.
- The development complies with the standards set out in the apartment guidelines.
- The development is in accordance with the National Policy Framework in terms of the reuse of existing lands, the building height guidelines in terms of the use of a

four storey block on this site and the site is located in an area which is well served by social, retail, education and transport services.

## 6.2. Observations

6.2.1. Observations have been received from Kieran Fagan, Don Sheahan, Una Geoghegan and Nuala Donnelly & David Kehoe.

The following issues, in summary, were raised:

- Concern that the development will give rise to increased flooding in the area – The Deansgrange Stream and Shanganagh River (less than 1 km away) have a history of flooding in this area. This is well known, and Dun Laoghaire County Council deploy resources at times of heavy rain.
- Submitted documents are misleading – separation distances to boundary are not accurate and a number of features including a tree are omitted.
- Stonecroft is an infill development between St. Aubyn's Court to the west and Castlecourt to the south/ east.
- Concern about the proximity of an electricity substation within 10.425 m of an existing residential unit.
- Concern about the indicated 'Possible Future Links' to adjoining lands – no consultation was held with existing residents. Existing developments do not provide for permeability and passive surveillance is good.
- Concern about the increase in traffic resulting from this development.
- The development is out of character with the existing area in terms of size, scale and density.
- One of the observers included their original letter of objection to the development raising concerns about loss of privacy, impact on their home, loss of daylight, overbearing, out of character with the area and concerns in relation to increased traffic in addition to the location of the site in a flood zone.

## 6.3. Planning Authority Response

6.3.1. The Planning Authority provide the following comments in summary:

- The appeal response addresses the ‘The Planning System and Flood Risk Management Guidelines for Planning Authorities’ but not the more stringent requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 – Appendix 13 (Strategic Flood Risk Assessment). The Board are requested to assess the development in terms of the more stringent guidance.
- Refers to comments made in the appeal statement in relation to the Council not recommending refusal or disagreeing with the flood mitigation measures – these were not assessed as the development was not in accordance with Appendix 13 of the development plan.
- Pre-planning advice is offered without prejudice.
- The proposed works at Kilbogget Park will not provide a 1.0% AEP (Annual Exceedance Probability) level of protection to the application site and such a level of protection will only be provided on completion of the entire scheme (no date has been provided of this).
- Flooding is likely to be much greater than that indicated on the submitted drawings. The revisions to the proposed apartment block do not reduce the extent of the development that is within Flood Zone B.
- The new drawings submitted in support of the appeal are not engineering drawings.

The Drainage Report of the Drainage Planning – Municipal Services, Dun Laoghaire-Rathdown County Council dated 2<sup>nd</sup> April 2020 is included in support of these comments.

## 7.0 **Assessment**

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

- Principle of Development
- Issue of Flooding
- Design/ Impact on the Character of the Area
- Residential Amenity

- Traffic and Parking
- Other Issues
- Further Information
- Appropriate Assessment Screening

## **7.2. Principle of Development**

- 7.2.1. The subject site is zoned 'A' and residential development is therefore acceptable on these lands. Having regard to the site history as well as local and national policies, it is appropriate that an increased density of housing be provided here. Any such development should respect the existing character of the area and this is considered further in this report.
- 7.2.2. I note that the applicant has proposed to revise the apartment block with revised documents submitted in support of the appeal. These alterations will be considered later in this report. The existing house does not warrant retention and is not listed in the record of protected structures and/ or located in an Architectural Conservation Area (ACA). I have no objection to the demolition of this house or any of the associated structures located throughout the site.

## **7.3. Issue of Flooding**

- 7.3.1. The issue of flooding was given as the first reason for refusal by the Planning Authority and was raised as a concern in the letters of objection/ observations to the appeal. O'Connor Sutton Cronin (OCSC) – Consulting Engineers were engaged by the applicant to prepare a 'Site-Specific Flood Risk Assessment'. This report refers to the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' throughout the report. Fluvial flooding is recognised as the greatest cause for concern and it is accepted that part of the site is located within the floodplain of the 1.0% AEP fluvial flood event. The site is therefore partially within Flood Zone A, Flood Zone B and Flood Zone C. Suitable measures have been proposed to address any issues of tidal and pluvial flooding, groundwater flooding is a not an issue in the area.

- 7.3.2. A Flood Risk Management Plan prepared on behalf of the OPW has identified suitable flood mitigation measures for the Deansgrange River in the form of two storage areas, one of which is in Kilbogget Park and the other in Glenavon Park.
- 7.3.3. The applicant through OCSC, relies on the 'Justification Test' for the development on this site. This is undertaken for Development Plans and Development Management and the conclusion is that the development will not impact on the area and passes the justification test. In support of the appeal, OCSC have included a letter/ comment outlining the process and why the development is acceptable.
- 7.3.4. I note the report and comments prepared by the applicant/ appellant and I also note the comments of the Planning Authority/ Drainage Division. Appendix 13 of the County Development Plan is detailed and includes a specific section on the Deansgrange Stream – 5.3.5. In summary it is clear that the stream is prone to flooding and this will remain the case until upgrade/ improvement works are undertaken. Development in Flood Zones A and B is to be restricted. Submitted drawings in support of the application only indicate scenarios for 1.0 % AEP (Flood Zone A) and not for 0.1% AEP (Flood Zone B); the inclusion of 0.1% AEP would indicate a greater area to be at risk of flooding.
- 7.3.5. In addition to the recommended refusal contained in the report prepared by the Drainage Planning – Municipal Services dated 2<sup>nd</sup> April 2020, a long list of further concerns were provided and I am unable to find any response to these by the applicant. These refer to matters such as the location of the proposed attenuation storage areas to be outside of the flood extents, discharge information, drawings, alternative SUDs measures and technical issues.
- 7.3.6. From the submitted information and response by the Planning Authority, I cannot be satisfied that the development will not be impacted by flooding. There is a history of flooding in the area and this is further confirmed in the letters of objection/ observations to the appeal. The applicant has relied on the Justification Test for this development; however, I note again Section 5.3.5 of Appendix 13 of the County Development Plan and a general presumption against development in the areas prone to flooding. I am not satisfied that the applicant has provided sufficient justification for this development and completion of necessary works are not due until at least 2023. I therefore consider that permission should be refused as insufficient



information has been provided to demonstrate that the development will not be negatively impacted by flooding.

#### **7.4. Design, Impact on the Character of the Area**

- 7.4.1. The second reason for refusal refers to impact on the residential and visual amenity of the area. A four-storey apartment block is proposed on this site supported by open space to the north of the building and car parking to the south. Access to the site is provided by way of the existing site access/ driveway. A separate block is proposed to the north eastern corner forming Phase 2 and which is not part of this application/ appeal.
- 7.4.2. The proposed apartment block will be located approximately 75 m to the west of the public road and having regard to existing houses between the site and the public road, I do not foresee any negative visual impact when viewed from the Killiney Hill Road. The proposed block will be circa 13 – 13.5 m in height. The building is a fairly standard design and external finishes consist of a mix of brick, stone and render relieved by the windows/ steel framed balconies. Similar materials and design are used in the revised elevations submitted in support of the appeal.
- 7.4.3. The location of the site is suitably zoned and serviced for a development of this scale and height. The area is characterised by a mix of single and two-storey units but the introduction of higher buildings has been permitted in the area as indicated in the observation which included a picture of Stonecroft to the south of the site and which is a mix of two/ three storeys with pitched roof. The provision of an apartment block of four storeys will not negatively impact on the character of the area, the set back from the public road ensures that the character of this section of the Killiney Hill Road is protected and I note the presence of similar type apartment blocks in Ballybrack to the north and Shankill to the south.
- 7.4.4. The revisions submitted in support of the appeal would result in the loss of 4 units, thereby reducing the density to 35 units per hectare. This would be the very minimum expected on such lands and may not provide for the optimum level of development. I would suggest that with a revised building design, it should be possible to provide for a higher density of development on this site and I would

recommend that the revised proposal not be progressed due to the number of units proposed and the inefficient use of residentially zoned lands.

Note: Only ground and first floor plans have been provided; I am assuming that the second and third floors match that of the first floor.

- 7.4.5. The mix of apartment types is acceptable though the use of one- and two-bedroom units only, will primarily cater for non-family tenure. Considering the existing type of houses in the adjoining area, it is probable that there is demand for smaller units such as those proposed, suitable for those wishing to downsize etc.
- 7.4.6. Overall, I would consider that the proposed development would have a neutral impact on the character of the area. It does not provide for a dense scale of development and the height at four storeys is generally acceptable having regard to the location of the block on site, set back from the public road. I would disagree with the Planning Authority for the second reason for refusal for the reasons outlined. I also note reference in the reason for refusal to setting an undesirable precedent for similar development in the area. Having regard to local and national policy which seeks to maximise the development potential of suitably zoned lands, it is possible that similar development would be proposed in the future in order to achieve the required density, suitable use of land whilst meeting the requirements of residential amenity.

## 7.5. Residential Amenity

- 7.5.1. Room sizes including storage provision comply with relevant guidelines. The storage areas are spread throughout the apartments but are of a suitably large size to be useable. I note that in some units the storage is provided side by side/ adjacent, but the layout is such that it can serve different functions and not necessarily be revised to provide for alternative uses. A sufficient number of dual aspect units are provided and adequate private amenity in the form of terraces for the ground floor units and balconies for upper levels is also provided. The private amenity space is accessed from living room areas, though access from bedrooms may be possible in the one-bedroom units. Access to the upper levels is by way of a lift and stairwell accessible from a single lobby area.
- 7.5.2. Open space is located to the north of the apartment block and is of a suitably large size to serve the development and the future Phase 2 development, assuming a

similar number of units. The useability of this open space is questionable though having regard to the issue of flooding and it is not certain how long after a flooding event, that the open space may be used again.

- 7.5.3. Overlooking leading to a loss of privacy was raised in the appeal and observations. The primary concern here is on the western elevation, all other sides provide for a suitable separation to the boundary they face. In general, the apartment block has been carefully designed to address any such issues of overlooking; windows in the west elevation serve kitchen areas and are relatively small. I note the revised layout submitted in support of the appeal; the separation to the west boundary is increased, however in doing so, the private amenity space for the apartments in the north west corner (two bedroom units) is closer to the private amenity of the house to the west in St Aubyn's Court. As originally proposed, the balcony is positioned further away from the private open space of this house. I would not rely on an existing hedgerow, no matter how mature, to provide for a permanent screening solution.
- 7.5.4. The relocation of the apartment block does reduce the perception of overbearing as the rear of the apartment block almost aligns with that of the houses to the west. I would consider the loss of privacy to be greater than the issue of overbearing. As already reported, a revised design should be able to address both issues without reducing the number of proposed apartments.
- 7.5.5. I do not foresee a significant loss of daylight/ sunlight of adjoining properties from this development. The apartment block is sufficiently located on site that ensures that such concerns do not arise. Some loss of light to the front of the houses on St Aubyn's Court may arise in the morning but their private amenity spaces should be protected from any such concerns from mid-morning on.

## 7.6. **Traffic and Parking**

- 7.6.1. There is nothing to suggest that the proposed development will give rise to traffic congestion or safety issues along this section of Killiney Hill Road. Footpaths are available to the front of the site and will connect to proposed footpaths within the site.
- 7.6.2. Transportation Planning raised a long list of issues to be addressed by way of further information. The revised site layout plan – Drawing no. PL-002 Revision E demonstrates 18 parking spaces, one for each of the 16 units and two accessible spaces. It is considered that one parking space per unit should be provided. Public

transport provision in the area is focused on links between Dun Laoghaire and Shankill/ Bray with a very limited peak hour bus service to the city centre. Whilst cars may not be used during the week, it is probable that residents of this development will want access to a car outside of working hours.

- 7.6.3. I can find no detailed response to the other issues raised such as demonstration of adequate sightlines at the site entrance, electric charging points, covered bicycle parking, motorcycle parking and Road Safety Audit. I am satisfied that all of these issues can be addressed but the applicant has not made a sufficient attempt to do so.
- 7.6.4. The site layout plans (as submitted with the application and in support of the appeal) indicate 'Possible Future Link' in a number of locations throughout the site. Insufficient information has been provided as to how these are to be provided and in what form. Some comment was made by these in the observations and I can appreciate that they may give rise to concern having regard to the lack of information in support of these locations. They appear to be an attempt at demonstrating compliance with the Urban Design Manual but can be dismissed as inadequate at this stage.

## **7.7. Other Issues**

- 7.7.1. Concern was raised about the location of the electricity substation, located to the south west of the site. This seems an unusual location for such a unit as utility companies prefer easy access to these and a site closer to the entrance would probably be more desirable for operators. It is possible that if the development were permitted, this unit would be relocated to elsewhere on site.
- 7.7.2. Concern was raised about the loss of biodiversity on site. It was evident from the site visit that the site was landscaped and much of this has not been maintained in recent times, no significant tree/ planting removal is proposed.
- 7.7.3. I would have to agree with comments made in the letters of objection/ observations to the appeal, that not all of the information submitted is accurate/ suitably detailed. The information on public transport provision is overstated and partially incorrect (bus operators incorrect/ there is no bus station nearby), no attempt has been made to address issues raised in the Planning Authority Case Officer's report/ supporting

reports and submitted information including the design of the apartment block is generic and not necessarily specific for this site.

7.8. The submitted landscaping plans are noted and in general these are acceptable, though only on the basis that Phase 2 never progresses. Adequate open space may be available to serve both apartment blocks, but the provision of the second block would result in the location of a car parking area on part of the open space and internal footpath network. In addition, access to the Phase 2 block, bin location and cycle parking areas, will all impact on the open space layout. Insufficient information has been provided as to how the site will be landscaped on completion of both phases of development. I appreciate that this application/ appeal only refers to Phase 1, but the lack of indicative detail in relation to the comprehensive development of this site is noteworthy and gives rise to concern.

#### 7.9. **Further Information**

7.9.1. Having regard to the submitted information and lack of certainty regarding aspects of same, I would have concern that the standard of amenity for future residents cannot be guaranteed. As already reported, the Planning Authority/ their internal departments referenced a long list of issues that required addressing by further information. Further information, was correctly, not sought, however the applicant has not addressed the issues raised. To permit this development would give no certainty as to what was permitted.

7.9.2. I would also suggest that a further information request, if made, would have sought a comprehensive masterplan for the development of these lands. This would not indicate notional links to adjoining sites without careful consideration and provide for a detailed landscape plan in the expectation that it would be significantly altered into the future.

#### 7.10. **Appropriate Assessment Screening**

7.10.1. A screening report was prepared by Openfield Ecological Services in support of the application. The site is not located within or adjacent to any Natura 2000 sites. Wastewater will be discharged to the public system and treated at Shanganagh Wastewater Treatment Plant and surface water run-off will be treated on site. Natura 2000 sites within the zone of influence include Dalkey Islands SPA (Site Code

004172), Rockabill to Dalkey SPA (Site Code 003000) and Poulaphouca Reservoir SPA (Site Code 004063) – water source for the development. In conclusion, it was found that no mitigation measures are proposed to avoid/ reduce any effect on a Natura 2000 site and significant effects are not likely to arise, either alone or in combination with any other plans or projects to any SPA or SAC.

7.10.2. The proposed development is located within an established urban area on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites. A Stage 2 Appropriate Assessment is, therefore, not required.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

9.1. I recommend that permission be refused subject to the following reasons.

1. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, in particular Appendix 13, and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk. the proposed development would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the information submitted on file with particular reference to the landscaping plan and future Phase 2 development, it is considered that insufficient consideration has been given to the comprehensive development of these lands, insufficient detail has been provided in relation to permeability with adjoining lands and the submitted landscape plan if carried out, may only be for a short term,

resulting in a poor quality of public/ communal open space for residents of the proposed development and any future phases.

The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Paul O'Brien

Planning Inspector

27<sup>th</sup> October 2020