



Development

The demolition of the existing house, perimeter walls to road and removal of existing vehicular entrance at No. 57 Foxrock Avenue; The construction of 7 no. two storey houses, including 4 no. 3-bed end of terrace houses (Types B, B2, B3, B4), 1 no. 3-bed terraced house (Type B1) and 2 no. 2-bed terraced houses (both Type D); Unit Types B, B1 and B2 have a shared front garden and 4 no. car parking spaces entered from a new vehicular entrance at Foxrock Avenue in lieu of existing entrance serving No. 57. Unit Types B3, B4 and D (both) have a shared front garden and 4 no. car parking spaces entered from a new vehicular entrance at Foxrock Avenue; The development will also include for associated site development works, including drainage and hard & soft landscaping works (including boundary treatments), bicycle storage, bin stores, and all other ancillary works to facilitate the development.

	(The site of this application already benefits from Permission for a total of 7 no. houses - Dún Laoghaire Rathdown County Council Reg. Refs. D17A/0192 and D18A/0043 refer).
Location	At a site (c. 0.15 ha) at 57 Foxrock Avenue and site to the rear of No. 55 Foxrock Avenue, Foxrock, Dublin 18.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0494
Applicant(s)	John Coughlan & Fiona Maguire
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Hollypark & Foxrock Avenue Residents Association
Observer(s)	Margaret Sherwin
Date of Site Inspection	15 th March, 2021
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site encompasses the corner plot occupied by No. 57 Foxrock Avenue and an area of land to the rear of No. 55 Foxrock Avenue at Foxrock, Dublin 18, and is located within an established residential area characterised by conventional suburban housing predominantly composed of two-storey, semi-detached & detached dwelling houses, although there are a number of other housing types in the wider area, including several dormer-style properties and single-storey bungalows. On the opposite side of the estate road is a small neighbourhood centre that includes a café / delicatessen, convenience unit, and a pharmacy, whilst further northwest, at the end of Foxrock Avenue, is a large, shared school complex that comprises St. Patrick's Girls National School, St. Patrick's Boys National School, and Lycee Francais d'Irlande (a French school).
- 1.2. The site itself has a stated site area of c. 0.15 hectares, is irregularly shaped, and is situated at the intersection of a small cul-de-sac with the main estate road from which pedestrian-only access is available onwards through to Foxrock Park and Knocksinna Park. It is presently occupied by a detached, two-storey dwelling house with an attached garage and includes part of the rear garden of the adjacent dwelling to the immediate southeast. The site topography is such that it falls on travelling eastwards with the result that there is a notable change in levels through the site. The front roadside boundary onto Foxrock Avenue is defined by a low blockwork wall whereas the remainder of the site perimeter bounding the cul-de-sac comprises c. 2m high blockwork walling.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the demolition of the existing detached, two-storey dwelling house and the perimeter walls etc. at No. 57 Foxrock Avenue; the amalgamation of the lands vacated by same with part of the rear garden area of the adjacent property at No. No. 55 Foxrock Avenue; and the construction of 2 No. terraced blocks comprising a total of 7 No. dwelling houses as follows:
- 1 No. 3-bedroom, 2-storey, end of terrace house (House Type B: 99.29m²)

- 1 No. 3-bedroom, 2-storey, mid-terrace house (House Type B1: 98.74m²)
- 1 No. 3-bedroom, 2-storey, end of terrace house (House Type B2: 99.27m²)
- 1 No. 3-bedroom, 2-storey, end of terrace house (House Type B3: 99.29m²)
- 1 No. 3-bedroom, 2-storey, end of terrace house (House Type B4: 99.27m²)
- 2 No. 2-bedroom, 2-storey, end of terrace houses (House Type D: 81.62m²)

2.2. The terrace comprising House Types 'B', 'B1' & 'B2' will follow the established building line along Foxrock Avenue and will be provided with a shared front garden area and 4 No. car parking spaces accessed via a new (replacement) vehicular entrance onto Foxrock Avenue (in lieu of the existing entrance serving No. 57 Foxrock Ave.). The terraced block comprising House Types 'B3', 'B4' & 'D' will be positioned perpendicularly to the existing housing in Foxrock Avenue to face onto an adjacent cul-de-sac. These units will be provided with a similar shared front garden arrangement and 4 No. car parking spaces accessed from a new vehicular entrance.

2.3. Associated site development works include, drainage and hard & soft landscaping (including boundary treatments), bicycle storage, bin stores, and all other ancillary works. Water and sewerage services are available via connection to the public mains.

2.4. Amended proposals were subsequently submitted in response to a request for further information which revised the site layout to accommodate an additional parking space to the front of House Types 'B3', 'B4' & 'D' as well as further bicycle parking stands.

2.5. An application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, accompanied the planning application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 22nd October, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 16 No. conditions. These

conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage, waste management, construction management, and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report states that the principle of a higher density development as proposed is acceptable having regard to the infill nature of the site, the applicable land use zoning, and the availability of local services & public transport. It proceeds to state that the overall design, scale, massing and siting of the proposed dwellings will integrate with the surrounding pattern of development and will not adversely impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, or an overbearing appearance. The report subsequently recommends that further information be sought in respect of the car parking proposals, the vehicular access onto Foxrock Avenue, the surface water drainage arrangements, and external finishes / materials.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Drainage Planning, Municipal Services Dept.: An initial report recommended that further information be sought in respect of the surface water drainage arrangements. Following the receipt of a response to a request for further information, a subsequent report indicated that there was no objection to the proposal, subject to conditions.

Transportation Planning: Although concerns were initially raised as regards the adequacy of the proposed car parking provision and the siting of the new vehicular entrance onto Foxrock Avenue, following consideration of the response to the request for additional information, a further report indicated that there was no objection to the proposal as regards the parking arrangements or the location of the vehicular access.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 5 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The absence of a site notice at No. 55 Foxrock Avenue.
- The density of the proposed development / overdevelopment of the site.
- Exacerbation of traffic congestion in the area (with particular reference to that which occurs during school pick-up / drop-off times).
- Inadequacy of the car parking provision.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking & construction works.
- The need to clarify the heating arrangements for the proposed housing and the potential to exacerbate air pollution and smoke & soot nuisance in the area.

4.0 Planning History

4.1. On Site:

PA Ref. No. D18A/0241. Was granted on 4th October, 2018 permitting John Coughlan & Fiona Maguire permission for the construction of 4 no. two storey, two bedroom terraced houses along with the addition of a new vehicular entrance and associated site works, including the reduction in height of existing boundary wall to front, on lands to rear of 57 & 55 Foxrock Avenue, Foxrock, Dublin 18.

PA Ref. No. D18A/0043. Was granted on 19th April, 2018 permitting John Coughlan & F Maguire permission for alterations to existing house and the construction of a two storey 4 bedroom detached single family house to the side along with the addition of a new entrance gate and associated site works at 57 Foxrock Avenue, Foxrock, Dublin 18.

PA Ref. No. D17A/0192. Was granted on 28th September, 2017 permitting John Coughlan & Fiona Maguire permission to extend and remodel the existing house and garage and to divide this structure to form 2 No. semi-detached houses and the

construction of a third detached house to the side with associated works at 57 Foxrock Avenue, Foxrock, Dublin 18.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

5.2. Development Plan

- 5.2.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

Land Use Zoning:

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and / or improve residential amenity*’.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES3: Residential Density:

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of

existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013)
- ‘National Climate Change Adaptation Framework
- Building Resilience to Climate Change’ (DoECLG, 2013)

Policy RES4: Existing Housing Stock and Densification:

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

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:

(v) Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing

built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

(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.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 2.4km north-northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.4km north-northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.4km north-northeast of the site.
- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 3.6km east-southeast of the site.
- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 3.9km west-southwest of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an

existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- In the absence of a site notice having been erected at No. 55 Foxrock Avenue, the application should have been rejected.
- Although further information was received by the Planning Authority on 25th September, 2020, a copy of that documentation was not forwarded to the appellant with the result that the subject appeal is limited in scope. Accordingly, the appellant should be supplied with the relevant information and afforded the opportunity to comment on same.
- Having regard to the levels of traffic in the area, and in light of the site location on a corner plot accessed by a very narrow roadway, the proposed development will exacerbate traffic congestion in the area.
- The likelihood is that the each of the proposed dwelling houses will have 2 No. cars and, therefore, concerns arise as regards the adequacy of the parking provision and the potential for haphazard on-street parking to result in increased traffic congestion and the obstruction of road users.
- Notwithstanding the restriction on building / construction hours imposed by Condition No. 16 of the notification of the decision to grant permission, concerns arise as regards construction traffic visiting the site and its compatibility with peak school times.
- The grant of permission does not safeguard the residential amenities of property in the vicinity.

- The increase in traffic consequent on the proposed development will result in future plans which seek to encourage cycleways and pedestrian movements being thrown into disarray.
- There is a 3-tonne weight restriction along roads within the estate and, therefore, it is unclear how construction traffic will access the site.
- There is a need to protect the mature trees along the pathways within the site surrounds.

6.2. Applicant Response

- The grounds of appeal largely replicate the contents of the appellant's original submission and do not raise any substantive new issues or supporting evidence which would warrant a reversal of the decision to grant permission.
- The site in question already benefits from permission for a total of 7 No. dwelling houses pursuant to PA Ref. Nos. D17A/0192 & D18A/0043.
- Two clearly visible site notices were erected in accordance with Article 19 of the Planning and Development Regulations, 2001, as amended, to provide sufficient public notification of the making of the planning application. The first of these notices was located adjacent to the vehicular entrance at No. 57 Foxrock Avenue and within a few metres of the access to No. 55 Foxrock Avenue. The second notice was erected on the western site boundary alongside the cul-de-sac. The locations of these site notices are shown on the Site Location Map provided with the application and were deemed acceptable by the Planning Authority.
- The response to the request for further information was not considered by the Planning Authority to be 'significant' and, therefore, the applicant was not required to submit new public notices. Moreover, the further information was publicly available on the Council website and was also available to view at its offices during opening hours. Therefore, the appellant was afforded the opportunity to view the further information as per normal procedures.
- The proposed development is not of a scale or nature that would be likely to have any significant impact on traffic congestion in the area. It also provides

for a reduced car parking ratio of just over 1 No. space per dwelling which has been informed by national and regional planning policy.

- The accompanying report prepared by Waterman Moylan Engineering Consultants has analysed local travel trends and has concluded that the additional number of car journeys consequent on the proposed development will have a negligible impact on the local road network.
- The proposed development is in a built-up suburban area close to national and regional roads and an expansive road network that can easily accommodate a development of the scale proposed.
- The density of the proposal is wholly appropriate to the site which is well served by high capacity and / or high frequency public transport that alleviates traffic congestion in the area.
- It is not accepted that the proposed development would have any impact on existing or planned pedestrian / cycle routes. Through a reduced car parking ratio and the provision of 22 No. bicycle parking spaces, the development will utilise its well-connected location to encourage a modal shift away from the private car. The proposed development is intended to positively contribute to the uptake of cycling and walking as preferred modes of transport in the local area.
- No on-street parking or other works to the public road / footpaths are proposed which would inhibit the future provision of cycle infrastructure or the improvement of footpaths etc. on Foxrock Avenue.
- The proposed development would yield a requirement for 12 No. car parking spaces in accordance with Table 8.2.3: '*Residential Land Use – Car Parking Standards*' of the Development Plan, however, a reduced provision of 9 No. in-curtilage parking spaces is proposed. In this regard, and by reference to Section 8.2.4.5 of the Plan, it is considered that in light of the site location relative to Deansgrange town centre, the proximity of an extensive network of cycle routes, local bus services & a Quality Bus Corridor, and given the availability of on-street parking in the immediate vicinity, the number of parking spaces to be provided is appropriate for a development of the size proposed in a well-serviced location.

- The reduced car parking provision will encourage the use of more sustainable modes of transport in the locality.
- The car parking provision is informed by wider national and regional planning policy which emphasises the importance of minimising reliance on the private car. In this regard, the development will be proximate to good public transport services and a cycle network. In such circumstances, current planning policy encourages a reduction in parking provision.
- The significant number of bicycle parking facilities proposed will encourage a modal shift for future residents of the development.
- The density of the proposal at c. 47 No. units per hectare accords with the provisions of the Development Plan which seek to densify built-up areas and to encourage residential densities at a minimum of 50 No. units per hectare *“within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route, and / or 1 kilometre of a Town or District Centre”* (the site is within an approximate 500-900m walking distance of the N11 & a proposed Quality Bus / Bus Priority Route, and c. 850m walking distance of Deansgrange District Centre).
- The density of the proposal is supported by the *‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’*.
- The proposed development provides for the efficient and effective redevelopment of a small corner site which respects the established character and residential amenity of the area.
- The Preliminary Construction, Demolition & Waste Management Plan provided with the application demonstrates that all impacts arising from construction traffic will be appropriately mitigated.
- A Construction Management Plan will be submitted to the Planning Authority for written approval in advance of construction works commencing on site.
- Construction will comply with all relevant best practice in order to safeguard residential amenity. Furthermore, the applicant will adhere to the working

hours stipulated in any grant of permission or as otherwise agreed with the Planning Authority prior to the commencement of development.

- The requirements of the Air Quality Monitoring and Noise Control Unit's '*Good Practice Guide for Construction and Demolition*' will be adhered to during the construction phase.
- All construction traffic will abide by the weight limits on roads used to access the site. Further details in this regard will be provided in the Construction Management Plan to be agreed with the Planning Authority.
- Having regard to the limited scale of the development, it will not give rise to a significant amount of construction traffic with the number of vehicle movements likely to be low when compared to the number of trips expected to be generated upon occupation of the housing.
- The majority of construction traffic movements will take place outside of peak hours and thus will not result in any operational problems.
- Care will be taken to ensure that existing pedestrian routes are suitably maintained during the construction phase with temporary car parking to be provided within the confines of the site for contractor's vehicles.
- The Construction Management Plan will include details of traffic management measures and the site access arrangements.
- The design and layout of the proposal has taken sufficient cognisance of the need to protect the existing residential and visual amenities of neighbouring properties. Notwithstanding that the development will not result in any directly opposing rear windows, all rear gardens will be a minimum of 11m in depth thus ensuring ample separation between the proposed dwellings and adjoining properties.
- The design has had regard to the guidance on corner sites and infill development set out in Section 8.2.3.4 of the Development Plan and has also considered the planning history of the site given that permission has already been granted for a comparable development of 7 No. houses in total.
- The provision of additional units facing onto Foxrock Avenue will enliven the street frontage onto the cul-de-sac.

- The proposed 2 No. vehicular accesses will provide safe access for prospective residents and emergency / service vehicles.
- The external finishes will ensure that the development is not visually intrusive and in keeping with the character of the area.
- It will be necessary to remove 1 No. street tree from within the public footpath adjacent to the proposed development in order to facilitate the relocated vehicular entrance to Unit Nos. 1 – 3, however, this will be replaced with a similar specimen located a few metres to the right and the applicant is amenable to undertaking these works at their own expense. Adherence to the measures to be set out in the Construction Management Plan will ensure that there will be no impact on the remaining street trees during construction.

6.3. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

6.4.1. Margaret Sherwin:

- There are concerns as regards the nature of the heating arrangements for the proposed dwelling houses (i.e. whether stoves & chimney stacks will be installed) and the potential for an exacerbation of air pollution and smoke & soot nuisance etc. in the surrounding area which are detrimental to public health and the observer's enjoyment of their property.
- The Planning Authority has erred in not requiring the submission of an Environmental Impact Statement or requesting that the proposed development be screened for the purposes of environmental impact assessment.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Traffic considerations
- Impact on residential amenity
- Procedural issues
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' in the Dún Laoghaire Rathdown County Development Plan, 2016-2022 with the stated land use zoning objective '*To protect and-or improve residential amenity*'. Moreover, the surrounding area is primarily residential with the prevailing pattern of development characterised by conventional suburban housing predominantly composed of two-storey semi-detached & detached dwelling houses. In this respect, I would suggest that the subject site comprises a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

- 7.2.2. Further support is lent to the proposal by reference to Policy RES4: '*Existing Housing Stock and Densification*' of the Development Plan, which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities, wherein it is stated that the Planning Authority will encourage the densification of existing suburbs in order to help retain population levels by way of 'infill' housing that respects or complements the established dwelling types. These policy provisions are further supplemented by the guidance set out in Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas*' of the Plan which details the criteria to be used in the assessment of proposals that involve new infill development. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. The site is also readily accessible by public transport with multiple Dublin Bus routes within a short walking distance at Kill Lane & Stillorgan Road / the N11 National Road (with further improvements planned by reference to the National Transport Authority's 'BusConnects' programme i.e. the Draft Preferred Route Option for the 'Bray to City Centre Core Bus Corridor' along the N11, and the Development Plan's identification of a 'Proposed Quality Bus / Bus Priority Route' at Leopardstown Road) and is similarly proximate to Deansgrange neighbourhood centre as well as local schools, places of worship, employment opportunities, and other amenities.
- 7.2.4. In addition to the foregoing, I am cognisant that a number of plot subdivisions and infill schemes have previously been approved on site pursuant to PA Ref. Nos. D17A/0192, D18A/0043 & D18A/0241 and in this regard it is of particular relevance to note that PA Ref. Nos. D18A/0043 & D18A/0241 could be potentially developed together to provide for a total of 6 No. dwelling houses within the broader confines of the application site.
- 7.2.5. Therefore, having considered the available information, including the scale and infill nature of the proposed development, the planning history of the site, its established use for residential purposes, and the fact that the area is well served by public transport with further improvements planned, I am satisfied that the overall principle

of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, and that the proposal to redevelop the property in order to provide for 7 No. new dwelling houses represents an appropriate density and an efficient use of these zoned and serviced lands.

7.3. Traffic Considerations:

- 7.3.1. The principal concerns raised in the grounds of appeal relate to the potential for the proposed development to exacerbate the already problematic levels of traffic congestion experienced within neighbouring residential streets, particularly at peak times during pick-ups / drop-offs associated with the nearby school campus (as was observed first hand during the course of my site inspection). In this regard, reference has been made on file to the difficulties of local residents in entering / exiting their properties as a result of the haphazard parking practices of visitors to the school and the obstruction of other road users, including emergency service vehicles.
- 7.3.2. Whilst I would acknowledge the legitimacy of the concerns of local residents that the proposed development could give rise to additional traffic movements along Foxrock Avenue and beyond, as well as increased pressure on the availability of on-street parking in the locality, in my opinion, the current congestion difficulties would seem to be a longstanding problem and, therefore, I would not consider it appropriate to use this as a basis on which to effectively prohibit all possible redevelopment on infill sites etc. in the wider area. Moreover, the resolution of any on-going traffic issues arising from the functioning of the existing schools is beyond the remit of this appeal and is a matter more appropriately addressed by those authorities with responsibility for such issues, including the Boards of Management of the schools, the Local Authority, An Garda Síochána, and any residents' associations. In this respect, I note that the submission and implementation of a 'Mobility Management Plan' and a 'Traffic Control and Management Plan' have been sought by way of condition in relation to previous development proposals approved within the wider school campus, and thus it should be emphasised that it is the responsibility of the Planning Authority to ensure compliance with the terms and conditions of those grants of permission.
- 7.3.3. In specific reference to the adequacy of the proposed car parking arrangements, I would refer the Board to the revised site layout plan received by the Planning

Authority on 25th September, 2020 in response to a request for further information wherein the applicant has indicated the provision of 9 No. on-site parking spaces to serve the proposed development (an increase of 1 No. space over that initially lodged).

7.3.4. In accordance with Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan, car parking for the proposed housing should be provided at the following rates (depending on design and location):

- 1 space per 1-bed unit and per 2-bed unit
- 2 spaces per 3-bed unit+

7.3.5. These car parking rates are generally to be regarded as 'standard' parking provision and include for both residents and visitors parking (although there should be a clear distinction between the two types of parking).

7.3.6. Given that the construction of 2 No. two-bedroom & 5 No. three-bedroom dwelling houses would normally generate a requirement for 12 No. car parking spaces, it is apparent that there will be a shortfall of 3 No. parking spaces on site to serve the proposed development (as amended), exclusive of any on-street parking available in the locality. However, in response to the request for further information issued by the Planning Authority, the applicant has submitted that a relaxation in the applicable parking standard would be permissible in this instance by reference to Section 8.2.4.5: '*Car Parking Standards*' of the Development Plan which states that a reduced parking standard may be acceptable depending on certain criteria including:

- The location of the proposed development and its proximity to Town Centres and District Centres and high density commercial/business areas.
- The proximity of the proposed development to public transport.
- The mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.

7.3.7. In this respect, the applicant has sought to emphasise the site location proximate to Deansgrange town centre as well as the proximity of cycle routes, the local bus network (including a Quality Bus Corridor), and the availability of on-street parking in the immediate vicinity.

- 7.3.8. Following consideration of the available details, and in light of broader national and local planning policy objectives which seek to reduce reliance on the private car and to encourage a modal shift towards more sustainable transport alternatives, I am inclined to suggest that a relaxation of the applicable parking standard (to 1 No. space per dwelling house with 2 No. spaces for visitors parking) would be permissible in this instance given the proximity of the site to local services and amenities, including nearby public transport (with particular reference to Dublin Bus services along Kill Lane & Stillorgan Road and the planned improvements set out in the National Transport Authority's 'BusConnects' programme along the N11 as well as the Development Plan's identification of a 'Proposed Quality Bus / Bus Priority Route' at Leopardstown Road).
- 7.3.9. While I would acknowledge the concerns of the appellant that the proposal could potentially exacerbate haphazard parking practices in the vicinity of the site, I am nevertheless satisfied that the site location lends itself to a relaxation in parking for the reasons already outlined. I am also cognisant that it would be reasonable for any prospective occupant of the proposed housing to be aware of the limitations of the parking provision on site.
- 7.3.10. Accordingly, having regard to the infill nature of the site in an existing built-up area where local services and amenities (such as shops & schools etc.) are readily accessible, the relative scale of the proposed development and the associated car & bicycle parking provision, the proximity and availability of public transport services (with further improvements planned), and the overall condition of public roads in the vicinity of the site, it is my opinion that the surrounding road network has sufficient capacity to accommodate the limited additional traffic volumes consequent on the proposed development and that the subject proposal will not give rise to such levels of congestion as to endanger public safety by reason of traffic hazard or to warrant a refusal of permission.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development, will not give rise to any

significant detrimental impact on the amenity of neighbouring property such as by way of overlooking or overshadowing / loss of daylight / sunlight.

- 7.4.2. With regard to the potential impact of the construction of the proposed development, on the residential amenities of surrounding property, whilst I would acknowledge that the subject site is located within an established residential area and that construction works, including the movement of associated vehicles etc., could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

7.5. Procedural Issues:

- 7.5.1. In relation to the suggestion that the application should have been rejected on the basis that a site notice was not erected at No. 55 Foxrock Avenue, it is my opinion that procedural matters, such as the adequacy (or otherwise) of the public notices and the subsequent validation (or not) of a planning application, are generally the responsibility of the Planning Authority which in this instance took the view that the submitted particulars satisfied the minimum statutory requirements. It should also be noted that the Board is not empowered to correct any procedural irregularity which may have arisen during the Planning Authority's assessment of the subject application.
- 7.5.2. Notwithstanding the foregoing, I would advise the Board that the proposed development site does not include No. 55 Foxrock Avenue and instead takes in a 'landlocked' area to the rear of that property. In this regard, it is evident from the site location map provided with the application that site notices were erected at two separate locations along both the public roads that adjoin the site perimeter, including at the entrance to No. 57 Foxrock Avenue. Accordingly, I do not propose to comment further on this matter other than to state that the right of third parties to make submissions on the subject application would not appear to have been prejudiced in this instance.

7.5.3. In respect of the assertion by the appellant that it should have been supplied with a copy of the further information so as to allow for comment on same, there is no such obligation on the Planning Authority and all plans & particulars provided as part of a planning application are openly available for inspection at the offices of the Planning Authority (with copies normally made available for purchase). Furthermore, I note that the additional information received was not deemed 'significant' by the Planning Authority and thus did not require revised public notices (and I would concur with this interpretation). In my opinion, the appellant has not been precluded from reviewing the response to the request for further information by way of normal protocols or from elaborating on its original submission. Moreover, the 4-week appeal period following notification of the decision should have allowed the appellant to inspect all relevant documentation.

7.6. Other Issues:

7.6.1. Air Quality / Pollution Concerns:

Concerns have been raised as regards the precise nature of the heating arrangements for the proposed dwelling houses (i.e. whether stoves & chimney stacks will be installed) and the potential for an exacerbation of air pollution and smoke & soot nuisance etc. in the surrounding area.

In my opinion, complaints with respect to matters such as localised air pollution extend beyond the remit of this appeal, however, I would draw attention to the lack of chimney stacks on the submitted plans and that Near Zero Energy Building standards (requiring improved energy performance in terms of building fabric, services and lighting specification) will apply to the proposed development.

7.6.2. Construction Management:

Issues such as adherence to weight restrictions on local roads during the construction stage and the protection of street trees can be satisfactorily addressed by way of an agreed Construction and Environmental Management Plan.

7.7. Appropriate Assessment:

7.7.1. Having regard to the limited nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public

services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

9.1. Having regard to the land use zoning of the site in the current Development Plan for the area, to the infill nature of the site, to the design, form and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would comply with the provisions of the Development Plan, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of September 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

4. Ducting shall be provided for all in-curtilage car parking spaces, to facilitate the installation of electric vehicle charging points. Details in this regard shall be submitted to, and agreed in writing with, the planning authority before making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transportation.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

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

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
- c) details of all proposed boundary treatments, including heights, materials and finishes.

The landscape and boundary treatment works shall be carried out in accordance with the agreed scheme.

Reason: In the interests of visual and residential amenity.

8.

- a) The entrance design and internal road network serving the proposed development, (including junctions, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Any gates at the entrances shall be designed so that they are not capable of being opened outwards.

Reason: In the interests of pedestrian and traffic safety.

10. Proposals for a street name and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the

local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

Robert Speer
Planning Inspector

23rd April, 2021