



An
Bord
Pleanála

Inspector's Report ABP-309307-21.

Development	Permission for the demolition of 2 storey dwelling; construction of 24 two, three and four bedroom terraced houses, vehicular and pedestrian access from Stocking Lane; public open space and all associated site works and services.
Location	Garretstown House, Stocking Lane, Rathfarnham, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD20A/0170.
Applicant(s)	Rosemount Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	John & Sharon McCarthy & 10 other residents of Prospect View.
Observer(s)	None.
Date of Site Inspection	31 st day of August 2021.
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of Stocking Lane, Rathfarnham, Dublin 16. The surrounding area comprises primarily residential development including Airpark to the west, which comprises houses and apartments, a residential estate, Prospect View, immediately contiguous to and east of the site, comprising semi-detached houses. Prospect House, a protected structure lies to the north-east of the overall landholding. The M50 is located immediately south of the appeal site. The site is located approximately 9 kilometres to the south of Dublin City Centre and approximately 3.5 kilometres south of Rathfarnham Village.
- 1.2. The appeal site comprises Garretstown House, a vacant dwelling and its curtilage which is triangular in shape, narrowing towards the north of the site. Under the proposals, Garretstown House would be demolished. It is a detached 2 storey dwelling with extensive front, rear and side garden areas. The boundaries to the site comprise a two-metre-high stone wall along the western (roadside) boundary, a two-metre-tall block wall associated with the Prospect View residential estate along the eastern site boundary. There is dense shrubbery and timber fencing along the southern boundary with the M50. There is a small plot of land to the immediate north of the site, which is within the ownership of the applicants, but not included within the appeal site boundary.
- 1.3. The vehicular entrance to Garretstown House fronts onto the R115 (Stocking Lane) and comprises a stone wall with gate piers and electric gates set back from the road, approximately 60 metres north of the M50 overpass.
- 1.4. The site has a stated area of 0.638 hectares. The level of the M50 carriageway is significantly below the level of the appeal site. Site levels fall from approximately 120 metres Ordnance Datum (mOD) in the south-eastern section of the site to approximately 111 mOD in the northern sector of the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the demolition of a two-storey dwelling and for the construction of 24 two-, three- and four-bedroom two storey terraced houses, in four blocks of 6 units. The 4-bedroom end of terrace (House

types A and B) two-storey houses provide for attic level accommodation. Vehicular access is from Stocking Lane; car parking; public open space and all associated site works and services, all at Garretstown House, Stocking Lane, Rathfarnham, Dublin 16

2.2. The application was accompanied by a number of supporting documents including the following.

- Planning Report
- Design Statement
- Lighting Design Report
- Engineering Services Report
- Acoustic Design Statement
- Arboricultural Assessment
- Ecological Impact Assessment
- Solar Analysis Report

2.3. Within the response to the request for further information the applicants submitted the following: Details of site sections including existing and proposed ground levels and building heights of the neighbouring Prospect View residential development to the east and those within the proposed development. Details of compliance with DMURS in terms of internal carriageway and footpath widths. Details of parking provision including electric vehicle charging points throughout the site. Revisions to the layout reducing the width of internal carriageways. A revised noise acoustic assessment. Revised dwelling design details. The further information response was accompanied by a Landscape Masterplan for the site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a grant planning permission for the development subject to 23 conditions. The following are considered to be the pertinent conditions:

Condition number 1: Development to be in accordance with amended plans and particulars as submitted to the Planning Authority on the 20th day of November 2020.

Condition number 2: Amended car parking dimensions and footpath widths to be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Condition number 3: Noise mitigation specifications.

Condition number 4: Ecological mitigation measures.

Condition number 7: Landscaping.

Condition number 9: Irish Water connection agreement.

Condition number 13: Part V Compliance.

Condition number 14: Construction, Demolition and Waste Management Plan.

Condition number 15: Construction Traffic Management Plan.

Condition number 22: Financial contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planning Report sought further information in relation to the matters outlined in Section 2.3 of this report.

Following the submission of a response to the further information request, the Planning Officer noted the amendments to the development. They were satisfied that the two refusal reasons set out by the Board in relation to the previous proposals on the site have been adequately addressed within the current proposals. The contents of the referral reports received were noted and the Senior Executive Planner concluded that the residential development was acceptable. This recommendation was endorsed by the Senior Planner. The Planning Officer recommended that planning permission be granted for the proposed development, subject to 23 conditions, as summarised in Section 3.1 of this report.

The report also includes a Screening for Appropriate Assessment which concluded that due the scale and nature of the development it would not be considered that the development would be likely to have a significant effect either individually or in-

combination with other plans and projects on any European site and therefore, the submission of a Natura Impact Statement is not required.

Similarly, an Environmental Impact Assessment (EIA) Screening concluded that by virtue of the nature of the development that there was no real likelihood of significant effects on the environment arising and therefore the need for the submission of an EIAR was not required.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Public Realm: No objections, subject to conditions.

Roads Department: Following the submission of a response to the FI request, No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies.

Irish Water: No objection subject to conditions.

3.2.4. Elected Members

John Lahart TD, . requested that his objection to the application be included and asks to be kept informed.

3.2.5. Third Party Observations

There are 15 no. third party observations noted on the planning authority file. The issues raised are similar to those in the appeal submission received by the Board, but included a number of other matters as follows:

1. Design and layout
2. Residential Amenity.
3. Traffic, access and parking
4. Adequacy of local social facilities/amenities.

Following the submission of a response to the FI request, a further 10 third party observations were received with issues raised summarised as follows:

- Residential Amenity

- Natural Heritage.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

Planning Authority reference number SD19A/0103, in 2019 planning permission was granted by the Planning Authority for the construction of 16 two-storey semi-detached three and four bedroomed units with attic accommodation and 5 two-storey terraced units with access off Stocking Lane. This decision was appealed to An Bord Pleanála under reference number 305806-19 and refused planning permission in 2020, for the following two reasons:

Reason 1: Having regard to the existing pattern of development in the vicinity and, in particular, the proximity of adjoining residential properties in Prospect View Estate, which are at a lower level than the proposed development, and having regard to the proposed increases in ground levels, such that the finished floor levels of the proposed terraced housing along the eastern side of the site would be considerably higher than the finished floor levels of the adjacent residential properties, it is considered that the proposed development would be overbearing in relation to those properties and thereby seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reason 2: It is considered that the proposed estate layout, incorporating open space to the south-east of the site which is lacking in significant passive surveillance, and which would be enclosed by the side boundary wall of proposed house number 7, and by the existing high screen walls bounding number 58 Prospect View and the high wall and fence along the M50, would represent a poor quality of design that would seriously injure the residential amenities of future residents. Furthermore, it is considered that the proposed estate design, which is overly dominated by roads, parking areas and turning areas, fails to create an appropriate sense of place, and is not in accordance with the principles set out in the Design Manual for Urban Roads and Streets, issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government. The proposed development, would, therefore be contrary to the Ministerial Guidelines, would

seriously injure the residential amenities of future residents, and would be contrary to the proper planning and sustainable development of the area.

Planning Authority reference number SD20A/0193, in 2020 the Planning Authority refused planning permission for the development of a single dwelling unit immediately north of the current appeal site, on lands within the current applicants' ownership.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. Chapter 6 of the National Planning Framework (NPF) is entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.
- National Policy Objective 32 To target the delivery of 550,000 additional households to 2040.
- 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 residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children's children.
- 5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number of dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- Compliance with the policies and standards of public and private open space adopted by development plans,
 - Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours,
 - Good internal space standards of development,
 - Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing, and
 - Compliance with plot ratio and site coverage standards adopted in development plans.
- 5.2.4. Section 5.7 references Brownfield lands and notes that where significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.

- 5.2.5. Section 5.9 references Inner suburban / infill sites and notes 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 revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division of dwellings.

5.3. Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031

Regional Policy Objectives (RPO,s) 3.2 and 3.3 pertain to Compact Growth and encouraging Planning Authorities to promote the development of brownfield and urban infill sites and RPO 3.7 pertains to Sustainable Growth.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

5.4. Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The

Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.5. **Guidelines for Treatment of Noise and Vibration in National Road Schemes (NRA, 2014)**

These guidelines recommend design goals of for noise sensitive receptors such as residential dwellings. They state that the noise level due to road traffic noise at the façade of a noise sensitive building must not exceed 60dB L_{den}.

5.6. **Development Plan**

- 5.6.1. The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

The subject site is located on lands which has the zoning objective RES – to protect and improve residential amenity.

There are a number of relevant policies and objectives set out within the plan as follows:

Housing Policy 7: Urban Design in Residential Development.

H7 Objective 1: To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)

H7 Objective 2: To ensure that residential development provides an integrated and balanced approach to movement, place-making and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013).

Housing Policy 8-Residential Densities: To promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Housing Policy 11: Residential Design and layout: It is the policy of the Council to promote a high-quality of design and layout in new residential development and to ensure that a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Housing Policy 17: It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

Section 11.3.1 (iii) Public open space/Children's play

Section 11.3.1 (iv) Dwelling standards.

Section 11.3.2 (i) Infill sites.

Section 11.4.2-Car Parking standards.

- 5.6.2. The Draft South Dublin County Development Plan 2022-2028 is a relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures. The Chief Executive's report on the submissions received during the Draft Plan public consultation period was presented to the elected members in December 2021, and is presently being considered by them.

The subject site is located on lands which has the zoning objective, Existing residential- RES – to protect and/or improve residential amenity.

There are a number of relevant policies and objectives set out within the plan as follows:

H1 Objective 8: To ensure population growth and increased housing densities take place within and contiguous to Dublin City and Suburbs and the County's town boundaries suited to their strategic regional role, subject to good design and development management standards being met.

H1 Objective 13: Proposals for residential development shall provide a minimum of 30% 3-bedroom units unless it can be demonstrated that: à there are unique site constraints that would prevent such provision or à that the proposed housing mix

meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA.

H2 Objective 3: To promote and facilitate the development of infill schemes throughout the County where it has been identified that such schemes will contribute towards the enhancement of communities within the County subject to the protection of residential amenity ensuring that sufficient and appropriate public spaces and amenities are preserved in existing residential estates.

H7 Objective 1: To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Design Standards for New Apartments (DHLGH as updated 2020) and Chapter 13 Implementation and Monitoring.

H10 Objective 1: To promote the provision of high-quality houses and apartments/duplexes within sustainable neighbourhoods by achieving the appropriate quantitative and qualitative standards, in accordance with Ministerial Guidelines and as set out in Chapter 13 Implementation and Monitoring.

H13 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 13 Implementation and Monitoring.

H13 Objective 7: To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Policy NCBH 22: Adapting and Reusing Historic Buildings and Chapter 13 Implementation and Monitoring).

5.7. Natural Heritage Designations

The site is not located within any designated site. The closest European Site is the Wicklow Mountains SAC (Site Code 002122) and the Wicklow Mountains SPA (Site Code 004040), both located approximately 4km to the south of the site. The Glenasmole Valley SAC (site code 001209) also located approximately 4.5km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

5.8. EIA Screening

- 5.8.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.8.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).
- 5.8.3. It is proposed to construct 24 residential units. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.638 hectares and is located within the built-up area of Rathfarnham. The site is not located in a business district and currently constitutes a brownfield site. The site area is, therefore, well below the applicable threshold of 10 ha for a built-up area, and 20ha in the case of a site elsewhere. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 8.0 of my report) and there is no hydrological connection present such as would give rise to significant impact on

nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and South Dublin County Council, upon which its effects would be marginal.

5.8.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of a brownfield site on zoned serviced lands as set out within the South Dublin County Council Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the South Dublin County Council Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

5.8.5. **Conclusion**

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report (EIAR) for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, with multiple signatories (representing eleven households) from the neighbouring Prospect View residential estate immediately east of the appeal site, against the decision of the Planning Authority to grant planning permission for the residential development. The issues raised within the submission can be summarised as follows:

Principle of Development:

Design and Layout:

- The three terraces comprising unit numbers 1-18 remain visually dominant and obtrusive when viewed from the appellants' properties.
- The applicants have sought to deal with the ground level issues raised in the previous Board refusal by lowering ground levels and the removal of material from the appeal site.
- The site sections submitted as part of the planning documentation provide finished floor levels for the proposed dwellings but the corresponding ground levels for the properties in Prospect View have not been submitted.
- Notwithstanding the changes in ground levels, some of the proposed houses will continue to be at a significantly higher level than those within Prospect View, some up to 1 metre above the levels of the nearest houses in Prospect View.
- The proposed houses will appear as being close to 3 storeys in height, particularly those units that include attic accommodation.

- The strategy of the applicants to remove nearly 4,000 cubic metres of material should not be supported on sustainability grounds.
- The height of the dwellings and the separation distances to Prospect View remain unacceptable.
- In visual terms, the three rows of terraced blocks (unit numbers 1-18) will read as one continuous block from Prospect View.
- Overshadowing and overlooking of properties in Prospect View will arise.
- The applicants are presenting a simplistic engineering solution which would be difficult to monitor, inspect and enforce at the subject site.
- The proposal represents an overdevelopment of the site and would negatively impact upon the long-established residents of Prospect View.
- The design of the proposal would be contrary to Policy H7, Objective 1 of the Development Plan in relation to urban design.
- The development is not of a high qualitative standard and would not accord with the Urban Design Manual-A Best Practice Guide (2009). By omitting the land to the north of the appeal site, a residential density of 34.8 units per hectare is proposed, the minimum allowable under Policy H8, Objective 6 of the Development Plan. This approach results in a piecemeal approach to development.
- The proposal fails to address infill residential development as envisaged within the Residential Development in Urban Areas-Guidelines for Planning Authorities (2009) which sets out that “The design approach should be based on a recognition of the need to protect the amenity of directly adjoining neighbourhoods and the general character of the area and its amenity”.
- Section 4.3.4 of the quality Housing for Sustainable Communities states that infill development and urban redevelopment projects should “Respect the character of the existing neighbourhood”. The current proposals materially fail to address these planning principles.
- The proposal would result in an excessive cut and fill exercise.
- The proposal has failed to evolve naturally from the site and its surroundings.

- The proposals fail to address the character and identity of the area.

Residential Amenity:

- The proposals would adversely impact upon the residential amenities of Prospect View residents by virtue of the scale, terraced nature and proximity of the development to neighbouring properties.
- The functionality and practicality of placing a seating and play area within the large central area of open space in proximity to the heavily trafficked Stocking Lane and the internal road network would be of concern due to the noise levels emanating from passing traffic and the emissions from passing vehicles
- The location and design of the open space is not well designed and would result in a poor level of amenity for future residents. This would deter future residents from using it and could potentially lead to anti-social behaviour in this area.
- The public open space, aside from the large central area, is small and piecemeal and should not be considered as acceptable by the Board.
- The quantity and quality of public open space is inadequate and contrary to Policy H11, Objective 1 of the Development Plan.
- There remain inappropriate responses to boundary conditions that result in significant differences in levels between parts of the appeal site and Prospect View.
- The proposals fail to ensure the balance between the reasonable protection of residential amenities and the established character of the area.
- There is a lack of awareness of context and character of the area. The proposals are contrary to the principle of infill development and the requirement to be sensitive to the visual amenities and character of the area.
- The noise impact anticipated to be experienced by future residents of units 19-24 would be unacceptable arising from traffic on Stocking Lane and the M50 and the rear garden areas would be overshadowed by the boundary wall and acoustic barrier in place.

- The acoustic report recognises that noise levels during the day for unit numbers 19-24 will exceed recognised acceptable noise levels of 55dB and no mitigation is proposed. This terrace should either be removed or reduced in scale

Traffic, Access and Parking:

- The development is car dominated, with a lack of provision for cycle parking
- Given the proximity of the appeal site to a high frequency bus route, the provision of maximum car parking for the development should not be supported by the Board.
- The removal of car parking would provide greater flexibility in terms of public open space provision and encourage the use of public transport.
- 13 car parking spaces are proposed to the south-east of the site. These would not be directly overlooked and provides a poor design response in terms of safety for future residents.
- These 13 spaces would adversely impact upon the enjoyment of the rear garden spaces of no's 66-68 Prospect View.
- The 4 spaces at the edge of the area of central public open space are not considered appropriate in terms of public safety.
- The car parking spaces in proximity to the main entrance point would result in the creation of a traffic hazard.
- A footpath along Stocking Lane is referenced in the landscape Masterplan, however, is not referenced in other parts of the planning documentation.

6.2. Applicant Response to third party appeal submission

The first party submitted a response to the third-party appeal. This response is summarised as follows:

Principle of Development:

- From the Planning History, it is apparent that all matters of principle have been accepted and other than dealing with design and residential amenity matters, the residential development is acceptable at this location.

- The Planning Authority (PA) was satisfied that the applicants had addressed the previous reasons for refusal as set out by the Board, and the issues raised in the additional information request issued under the current proposals.
- The PA was satisfied that the proposals would not be injurious to the residential amenity of the area and would provide adequate residential amenity for prospective residents and would be consistent with national and regional policy on intensification of residential development within the built up areas of the city.
- The scheme is consistent with local planning policy which requires consolidation and densification on serviced and accessible urban land.
- The PA considered the proposals to be consistent with the provisions of the National Planning Framework, the Development Plan, and the relevant Section 28 Ministerial Guidelines,
- The grounds of appeal no longer have substance as the development has been redesigned to address the material impacts that the appellants make reference to.

Design and Layout:

- All relevant standards for residential development are achieved and, in many instances, exceeded.
- In terms of ground levels, the finished floor levels of the proposed houses are similar to or below the neighbouring dwellings in Prospect View.
- The larger end of terrace units are 0.87 metres taller than the mid-terrace units. The additional level of accommodation is provided entirely within the attic space and there are no attic level windows facing towards Prospect View.
- Minimum rear garden depths of 11.6 metres are proposed and with no high-level rear facing windows proposed, therefore, no potential for undue overlooking arises.
- The site is located within an urban environment where properties will experience some degree of overlooking.

- A residential density of 38 units per hectare is proposed.
- The Urban Development and Building Height Guidelines 2018 support outer suburban development of 3-4 storeys. In that context, the scale of the proposals at 2 storeys is sensitive to adjoining properties in Prospect View.
- The proposal to develop 2-storey dwellings in a back to back arrangement with Prospect View is a reasonable design response that will not unduly impact on the residential and visual amenity of neighbouring dwellings.
- The scheme will provide a mix of unit sizes in an area dominated by 3 and 4 bedroom houses.
- All houses are 2-storey with larger units having a third level of accommodation in the roof space.
- The statement that the proposed 2 storey houses will appear as being 3 or 4 storeys in height cannot be sustained.

Residential Amenity:

- The Planning Authority was satisfied that the proposed development would not unduly impact upon the amenities of neighbouring properties.
- The site sections submitted demonstrate the differences in height and the separation distances between the proposed dwellings and those in Prospect View.
- A sunlight/daylight analysis has been presented and accords with BRE guidance which recommends that at least half of a garden or amenity area should receive at least 2 hours sunlight on the 21st of March. This is achieved for the existing and proposed houses.
- The Acoustic Design Statement sets out that with the implementation of the mitigation measures proposed, the noise impact from the road traffic noise can be managed to within acceptable limits, or is of a level that would have no significant adverse impacts on residential amenity in line with current best practice guidance.
- The noise environment for the appellants would be improved as the proposed terraced dwellings would shield incoming noise from the adjoining roadways.

- The public open spaces will be landscaped to a high standard and will provide future residents with a high standard of amenity.
- The section drawings submitted by the appellants used to address the issue of overlooking are not to scale, and should not be relied upon.
- The proposed development has adhered to and exceeded (in some instances) Development Plan standards in terms of separation distances.
- An objective analysis of the shadow diagrams show that the allegations of overshadowing cannot be sustained.
- Sunlight/daylight criteria have been taken into account as set out in BRE Guidance. All parameters are well within established guidelines.
- The submitted Acoustic Design Statement classifies the development site as having a medium noise risk, with reference to the guidance set out in the Dublin Agglomeration Environmental Noise Action Plan 2018.
- Public open space is provided in two areas. Dwellings have been specifically designed to overlook the public open spaces.

Access and parking:

- The level of car parking provision was considered appropriate by the Board when they considered other suburban infill sites. For example under Board reference number 303362-19, pertaining to the assessment of a residential scheme in Kingswood, South Dublin.
- Internal roads, turning bays and car parking spaces has been designed in accordance with DMURS standards.

Other Issues:

- The developer has a track record of developing residential estates in South Dublin and has a good track record of completing developments in accordance with planning permissions.

6.3. Planning Authority Response

The Planning Authority issued a response as follows:

- Advising the Board to apply a Part V planning condition if applicable.
- Advising the Board to apply Development contributions and/or Supplementary development contribution conditions as applicable.

6.4. Observations

None.

7.0 Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the Development
2. Design and Layout
3. Visual & Residential Amenity I
4. Roads & Traffic
5. Appropriate Assessment

7.1. Principle of the Development:

- 7.1.1. The proposed development site is located on lands zoned for residential purposes in the South County Dublin Development Plan 2016-2022 and this zoning objective is “To protect and improve residential amenity”.’ The proposed development seeks the re-development of a brownfield site, which presently comprises a vacant dwelling unit.
- 7.1.2. Having regard to the above, I am satisfied that the principle of the residential development on these lands is acceptable.

7.2. Design and layout:

- 7.2.1. The appeal site comprises a brownfield site with a two-storey detached house on an extensive site. The proposed residential development is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009

Guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and support the principle of higher densities on appropriate sites in towns and cities and in this regard, I consider it reasonable to support the development potential of the subject site in accordance with said guidelines.

- 7.2.2. The proposal is for the development of 24 houses, within four blocks of 6 terraced units in each block. The subject site has a stated area of 0.638ha which equates to a residential density of approximately 37.6 units per hectare. The site layout provides for public open space in two areas, a modest area to the north-west of the site and a large centrally located area.
- 7.2.3. The Planning Authority granted planning permission for the development as amended on foot on the further information response. The established pattern of development in the area provides for a variety of house types, including apartment units, but primarily by terraced and semi-detached properties. The proposed development, as amended, would, if permitted, would provide for a variety of house sizes ranging from 2 to 4 bedroomed terraced properties. In terms of the proposals before the Board, and in the context of the National Guidelines, I am satisfied that the density is reasonable given the brownfield status of the site and its location on a high frequency bus corridor in proximity to Rathfarnham village.
- 7.2.4. The development comprises a development two storey houses, eight of which will have accommodation in the attic space, providing for 4 terraces of six units and an equal mix of two, three and four bedroom houses. The unit types are as follows:

Unit type	Number	%
2 bed	8	33.3%
3 bed	8	33.3%
4 bed	8	33.3%

I am satisfied that the proposed mix of house types is acceptable.

- 7.2.5. The objective of the Sustainable Residential Development in Urban Areas Guidelines 2009, is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provide certain safeguards with regard to such urban developments to deal with both existing and future residents in the area of the proposed development. Said safeguards are detailed above in Section 5.2 of this

report and I consider it reasonable to address the proposed development against same.

a) Compliance with the policies and standards of public and private open space adopted by development plans:

- In terms of private open space, the proposed development layout, provides for rear gardens ranging in depth of between 11.6 metres and 12 metres backing onto the Prospect View estate with the rear garden spaces backing onto the M50 Motorway exceeding these depths. Each of the houses have private open space in the form of rear garden spaces.

Section 11.3.1 of the South Dublin County Development Plan deals with Residential land uses and (iv) relates to Dwelling Standards while Table 11.20 details Minimum Space Standards for Houses as follows:

Type of Unit	Houses	Private Open Space
Two Bedroom	80 sq.m	55 sq.m
Three Bedroom	92 sq.m	60 sq.m
Four Bedroom or more	110 sq.m	70 sq.m

In terms of the proposed development, all of the residential units achieve, and in some instances exceed standards for residential unit floor areas and private open space provision. I would consider that the private open space provision is adequate.

- With regard to public open space, the proposals provide for two areas of open space, dispersed throughout the development
The total area of public open space proposed amounts to 958m², equating to 14.9% of the total site area. The Development Plan requires at least 10% public open space for new residential developments.
- I am satisfied that the quantity of open space proposed is acceptable. I would also acknowledge the landscaping plan for the site Includes

proposals for a children's play area within the southern section of the larger of the public open space areas, with an area of approximately 120 sq m. The play equipment would be of steel and larch materials and compliant with play equipment best practice standards. I note that unit numbers 1-4 directly overlook the northerly area of public open space and unit numbers 6-14 and 19-24 directly overlook the larger area of public open space.

- The area of public open space that previously existed to the south-east of the site and was raised as an issue in the previous refusal of planning permission by the Board has been omitted within the current proposals and incorporated with the Homezone area, provision for parking and an increased private garden space of unit number 18. I am satisfied that the proposed areas of public open space are of sufficient quality and quantity and would accord with the Development Plan standards and with the requirements of the Sustainable Residential Density Standards for Housing Developments, 2009. I am also satisfied that the issue of poor quality of design of the public open space to the south-east of the appeal site, as set out with in the second refusal reason by the Board under 305806-19 has been addressed by the applicants within the current proposal, by means of an amended and improved site layout.

b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours:

- Having regard to the location and nature of the proposed development on a brownfield site, and to the zoning afforded to the subject site, the proposed residential use is considered acceptable at this location. I am satisfied that the residential amenities of neighbouring residents and future residents have been duly considered.
- The issue of site levels, proximity to the Prospect View residential estate, being at a lower level than the proposed development and the proposed development being overbearing to the Prospect View

properties were all raised as issues within the first reason for refusal as set out by the Board, under Board reference number 305806-19, in March 2020. The applicants have amended their proposals by lowering the floor levels of the dwellings along the eastern boundary of the site. Site sections have been submitted, illustrating the proposed dwellings in context of the dwellings in Prospect View to the east. From the documentation submitted, it is apparent that the proposed dwellings will range from 1.19 metres below to being 0.63 metres above the finished floor levels of the Prospect View dwellings. In order to achieve these levels, some cut and fill is required. From the site sections submitted as part of the further information response, it is apparent that cutting would occur from the mid-point of the site, in the vicinity of house number 9, to a depth of approximately 0.4 metres. Greater depths of cutting are required in the vicinity of the southern terrace on site, for example, in the vicinity of house number 22, to a depth of approximately 1.8 metres. Some filling will be required to the north of the site, for example in the vicinity of house number 1, to a height of approximately 0.3 metres. I acknowledge the sloping nature of the site, and indeed, the efforts of the designer to step the development, to ensure compliance with Part M of DMURS, to minimise the slope within the site for vulnerable road users. I note that the applicants have made material adjustments to the finished floor levels of the proposed dwellings in order to address the first reason for refusal as set out by the Board. The back to back separation distances accord with Development Plan standards, the dwellings in Prospect View in some instances are at a higher level than the proposed dwellings, by up to 1.19 metres and in some instances below the levels of the proposed dwellings, by up to a maximum of 0.63 metres. I am satisfied that the proposed development could not be described as being overbearing, in relation to the Prospect View properties, by virtue of the extent of changes in levels and separation distances proposed. The proposed development will impact upon the Prospect View development from a visual perspective, but not to such an extent as to warrant a refusal of planning permission. I am satisfied that the development (as revised in

the current proposals) has been appropriately designed to avoid undue adverse impacts on the amenities of the established neighbouring residents and addresses the first reason for refusal regarding the adverse impact upon neighbouring residential amenities to the east of the appeal site.

c) Internal space standards of residential units:

- Section 11.3.1(iv) of the South Dublin County Development Plan provides guidance in terms of Dwelling Standards. I have referred to Table 11.20 above and acknowledge that the size of the proposed houses adequately accords with the minimum standards cited in the Plan. In addition to Table 11.20, the Plan states that 'in houses and apartments (apartment/duplex units) the floor area of single bedrooms must be a minimum of 7.1 square metres (sq. m.); the floor area of a double bedroom must be a minimum of 11.4 sq. m.; and the floor area of the main bedroom should be at least 13 sq. m.'

All of the bedroom spaces within the proposed dwelling units comply and in some instances exceed Development Plan standards.

d) Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing:

- The Board will note the concerns of third parties with regard to the scale of the proposed houses, some of which consider to be akin to being three storeys in height.
- The houses in Prospect View, comprise 2 storey semi-detached houses with an overall height of approximately 8.35m. The houses range in height from 8.478 metres to 9.354 metres.
- While I note the third-party concerns, I am generally satisfied that the height, scale and massing of the houses proposed adequately reflect those of the neighbouring residential developments in the vicinity and therefore, are considered acceptable. I also note that habitable space within the attic is only provided within the four-bedroom end of terrace

units, that is 33.3% of the units proposed. Within these units the attic level fenestration is provided within the front roof slope, facing inwards within the appeal site. The rear elevations of these units read as two storey units, with no attic level fenestration detail facing towards the Prospect View estate.

e) *Compliance with plot ratio and site coverage standards adopted in development plans:*

- The South Dublin County Development Plan advises that in general, the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines and that the residential density of new developments should generally be greater than 35 dwellings per hectare, save in exceptional circumstances.
- The proposed development provides for a density of 37.6 units per hectare. I am satisfied that the proposed development is acceptable in terms of site coverage, plot ratio and density.

7.2.6. National planning guidance encourages the provision of higher density development within urban areas in order to optimise the use of zoned serviced lands in a sustainable manner. However, due regard has to be given to the established nature of development in the vicinity of the appeal site and the nature and scale of the surrounding area and existing residential development and other land uses. The development proposes 24 residential units on zoned serviced lands in the vicinity of established residential estates. I am satisfied that the density proposed is acceptable.

7.3. Visual & Residential Amenity

7.3.1. In terms of the potential visual impacts associated with the proposed development, The landscaping proposals for the site which include the retention of the existing site boundaries and the planting of semi-mature trees along the western site boundary and hedging and trees along the southern and eastern boundaries to improve the biodiversity of the site. I am satisfied that the landscaping proposals submitted as part of the further information response would provide for a satisfactory level of amenity for future residents within the development.

- 7.3.2. In addition to the above, the Board will note the proposals to address the issues of site levels, whereby material would be removed from the site in order for the finished floor levels of the proposed dwellings to be lowered in order to be more consistent with the finished floor levels of Prospect View to address the first reason for refusal as set out by the Board previously. The development proposes the lowering/raising of site levels by -1.9m/+0.63 metres on the site. While I acknowledge the sloping nature of the site, I am satisfied that the development has been appropriately designed to avoid undue adverse impacts on the amenities of neighbouring residents.
- 7.3.3. The reduction in the finished floor levels from the previous proposals submitted to the Board under 305806-10 has resulted in a more consistent approach to finished floor levels with the neighbouring Prospect View residential development. The revisions in finished floor levels would serve to prevent any sense of overbearing or overlooking associated with the residential development and would minimise the visual impacts associated with the proposed development when viewed from Stocking Lane.
- 7.3.4. In terms of noise impacts associated with the M50 on the new houses, the applicant has submitted an Acoustic Design Statement which was modified as part of the further information response. The report presents details of the revised noise impact assessment considering changes made to the development following the request for further information. An initial assessment classifies the subject site as having medium to high noise risk which was reclassified to a medium risk as the height of the acoustic fence along the southern site boundary had been under estimated, as determined through surveying the baseline noise environment, and the noise environment is dominated by road traffic noise associated with the M50.
- 7.3.5. Noise modelling was used to predict the potential noise impact on the proposed development. The Acoustic assessment concluded “an enhanced glazing specification has been outlined for the dwellings to ensure good internal noise levels in sensitive rooms”. Externally, the noise levels in the rear gardens for units 1 to 18 would be below the recommended guidance levels, however slightly above the recommended standards within the rear garden spaces of unit number 18-24. The predicted noise levels of between 55 and 58 dB L_{aeq} are expected to be consistent with noise levels experienced in the amenity spaces of other residential development

in residential areas adjacent to the M50 Motorway. I note standards as set out within the 2014 NRA document, Guidelines for Treatment of Noise and Vibration in National Road Schemes, where noise levels up to 60dB must not be exceeded at the façade of noise sensitive receptors, which would include residential properties. The calculations take account of the existing acoustic wall / barrier at 3.5metres tall, and the development does not propose to increase the height of this barrier. Having undertaken a site inspection, at approximately 3pm, I can confirm that the primary noise source in the vicinity of the site is from the traffic on the M50. In considering the level of amenity for potential future residents of the development, I walked through the existing residential estates adjacent to the site, as well as the M50 overpass. I am satisfied that the development would achieve the lowest practicable levels in these external amenity spaces which is consistent with current NRA noise guidance.

- 7.3.6. I have also considered the details of the proposed development in terms of the construction materials and mitigation measures proposed and on balance, I am satisfied that the development can be accommodated on the subject site. I refer the Board to the conditions attached to the PAs decision to grant permission as they relate to noise and would advise, in the event of a grant of permission, that similar conditions be attached.

Loss of Daylight/Sunlight/Overshadowing:

- 7.3.7. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Reference to same is made in the Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.
- 7.3.8. I have also carried out a site inspection, considered the submissions received, that have raised issues in respect of potential impact on their houses and properties as a

result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings relating to the properties to the east of the appeal site.

A Solar Analysis Document dated May 2020, prepared by AJ Whittaker and Associates was submitted as part of the planning documentation. The development is a traditional low density residential scheme where the BRE209/BS2806 targets would generally be met in all instances. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. The Solar analysis Document sets out that the neighbouring residential scheme, Prospect View would not be materially impacted upon in terms of loss of light or overshadowing arising from the proposed development. The Solar analysis sets out that on the 21st of March, some afternoon and evening shadows would be cast in the rear garden spaces of dwelling numbers 19-24. On the 21st, June, some shadow in the rear garden areas of unit numbers 19-24 at 3pm but much less shadow by 4pm, and shadow within most of the rear garden spaces of numbers 1-18 at 6pm. On the 21st of September, part of the rear garden spaces of number 19-24 at 3pm and the rear garden spaces of unit numbers 1-18 would be in shadow at 6pm. Overall, I am satisfied that the sunlight/daylight levels experienced within the garden areas of the proposed dwellings would accord with BRE guidance where it is recommended that at least half of a garden or amenity area should receive at least 2 hours sunlight on the 21st of March. This is achieved for the existing and proposed houses.

- 7.3.9. Regarding potential impact on third parties, and specifically within Prospect View. an analysis has taken place in terms of loss of light or over-shadowing of these neighbouring properties. I am satisfied that there would not be significant impact regarding any potential impact upon the neighbouring residential properties. I am satisfied that due to the back-to-back separation distances of a minimum of 22 metres between the proposed development and units 34-68 within the Prospect View scheme and the orientation of the Prospect View Units to the west of the appeal site, and the two-storey height (max ridge height 9.35 metres) of the proposed dwellings backing onto Prospect View, that the proposed development would not have an excessive overshadowing impact on properties within Prospect View or their associated amenity spaces. Therefore, I consider the potential impact to be acceptable.

Overlooking:

- 7.3.10. The submissions raised the issue of overlooking of neighbouring residential properties, including overlooking of rear garden spaces, in particular of those dwellings east of the appeal site within the Prospect View estate.
- 7.3.11. The proposed dwellings comprise of traditional two storey dwellings, with 8 x 2.5 storey dwellings book ending each of the residential terraces. The proposed dwellings are separated from the rear building lines of the properties in Prospect View by a distance of 22 metres. I note and consider it relevant, that the separation distances are consistent with the separation standards stipulated in the Development Plan, and generally accepted by the Planning Authority as being reasonable (as provided for within existing neighbouring residential developments in the area).
- 7.3.12. I consider that the setbacks as proposed are sufficient to ensure that no material overlooking will result from the development. Additional infill planting is proposed along this boundary, as per the landscaping plan submitted as part of the planning documentation. Notwithstanding the current situation with screening associated with existing trees, and time lag for future planting to take effect, I do not consider that the properties to the east will experience such a loss of privacy as a result of this development to warrant a refusal, and that given this urban location, some loss of privacy would be expected and is acceptable and is in accordance with Development Plan standards.
- 7.3.13. I am satisfied, given the orientation of the proposed houses, the separation distances, and the proposed boundary treatment of a 2-metre block wall with concrete capping and proposed landscaping along the eastern boundary, that no undue overlooking of Prospect View will occur, and that overlooking of the rear/side amenity space should be minimal and consistent with that expected within an urban setting. Hedging and tree planting is also proposed along the eastern site boundary, and this is a matter that can be specifically addressed by means of appropriate planning conditions.
- 7.3.14. I am satisfied that overlooking to all properties contiguous to the subject site has been minimised and/or mitigated through design, siting, boundary treatment and screen planting and having regard to siting and orientation of the existing house, overlooking does not occur such as would warrant a refusal of planning permission.

7.3.15. Overall, I consider that the applicants have made material changes to the design approach in terms of addressing the adverse impact upon the neighbouring residential properties to the east of the appeal site and have improved the layout whereby the areas of public open space would benefit from passive surveillance from within the proposed development. The development, as revised under the current proposals would be acceptable in terms of the visual amenities of the wider area, given the dwellings would be constructed at levels more consistent with the levels of neighbouring dwellings and therefore, less prominent than previously proposed. I am satisfied that the proposals would comply with the zoning objective to the site which seeks 'to protect and / or improve residential amenity'. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.4. Roads & Traffic

7.4.1. Access to the subject site is proposed off Stocking Lane to the west of the site. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered in light of the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. The Manual seeks to address street design within urban areas and sets out an integrated design approach which requires that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

DMURS also sets out a road user priority hierarchy and details key design principles for roads, including for appropriate road widths, and requires that roads are not up designed above their speed limit. The second refusal reason set out under 305706-19 references the over dominance of roads, parking and turning areas and therefore, the roads layout was not in accordance with the principles set out in DMURS.

7.4.2. I note that the applicants have made revisions to the previous proposals refused permission under Board reference number 305806-19, whereby the length of internal roadway has been reduced, with one leg omitted. A Homezone area has been introduced to the south of the site, the width of the internal carriageway has been narrowed and the number of turning areas/hammerheads has also been reduced.

The revisions to the design and layout of the internal roadways, turning areas and footpaths are now considered to comply with the principles of DMURS. Should the Board be minded to grant permission in this instance, I would recommend a condition be included to agree final details of internal roads, turning areas, parking spaces and footpath widths be agreed in writing with the Local Authority.

7.4.3. In terms of pedestrian access, I note that one pedestrian point is identified along the western boundary of the site with access to/from Stocking Lane. The proposed pedestrian access to the north of the site vehicular access point onto Stocking Lane and would tie in with the footpaths along Stocking Lane and would be within ten metres of the local bus stop serving the city centre and immediately across the road from the bus stop serving Rathfarnham Village. I note that the Roads Section of South Dublin County Council did not raise any issues in terms of roads and traffic, subject to a number of conditions.

7.4.4. In terms of parking, the Board will note that the proposed development provides for 44 car parking spaces to serve the 24 residential unit development. Overall, there are eight parking spaces provided in excess of the Development Plan requirements. Table 11.24 of the South Dublin County Development Plan deals with maximum parking rates for residential development as follows:

Unit type	No of Spaces	No of Units	Parking spaces required
2 bed	1 space	8	8
3 bed	1.5 spaces	8	12
4 bed	2 spaces	8	16
TOTAL			36 parking spaces

7.4.5. Section 11.4.3 of the CDP deals with car parking for electric vehicles (EV's) and requires that all development shall provide for the charging of battery-operated cars at a rate of up to 10% of the total car parking spaces. The remainder of the parking spaces should be constructed to be capable of accommodating future charging points as required. I note that the applicants have identified 4 spaces within the car parking layout submitted to cater for the charging of EV's. I am satisfied that the development provides adequate car parking to service the proposed development in accordance with the Development Plan,

7.4.6. The construction phase of the development would have the potential to give rise to some impacts on road users along Stocking Lane. However, I am satisfied that these impacts would be temporary in nature. In terms of general roads and traffic issues, and acknowledging the third-party submissions in this regard, I am satisfied, based on the planning documentation submitted, including reports from the Road Design Department of the Local Authority, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the adjoining road network, that the development would not result in the creation of a traffic hazard in the area. In addition, I am satisfied that the development, if permitted, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the residential amenities of the wider area or the carrying capacity of the local road network by reason of the additional traffic generated by the proposed development, especially having regard to the appeal site location on a high frequency bus corridor

7.4.7. **Bicycle parking**

7.4.8. The existence of the bus stops immediately west of the site along Stocking Lane provides a great opportunity for future residents to avail of the high frequency bus service to Rathfarnham or to the city centre. Therefore, I am satisfied that the development of this brownfield site at the density proposed represents sustainable and appropriate development that accords with national and local planning policy. However, no specific provision is made for bicycle parking on site. As per the Development Plan standards, 1 cycle parking space per three residential units should be provided within residential development. Therefore, a minimum of 8 bicycle parking spaces should be provided on site. This is a matter that can be dealt with by means of an appropriate planning condition.

7.5. **Other Issues**

7.5.1. In support of the proposed development, an Ecological Impact Assessment (EclA) was submitted and notes that the site lies 260m to the west of the Owenadoher River and notes that the site suitability is assessed as very low for bats given the low number of bats detected on site, limited availability of roost sites and limited area of suitable commuting or foraging habitat, restricted to a 0.5ha area of grassland and

some marginal areas of woodland. Illumination of the site and adjacent areas decreases the site suitability for bat species.

The EciA concludes that there is no significant risk of negative impact to the local Owenadoher River and the absence of hydrological/ecological links to Natura Sites in the Wicklow Mountains and in Dublin Bay is noted. The assessment presents a number of mitigation measures, Chapter 7, and in the event of a grant of planning permission, all mitigation measures presented should be conditioned to be undertaken.

8.0 Appropriate Assessment

8.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

8.2. Background to the Application

- 8.2.1. The applicant submitted an Ecological Impact Assessment Report (EciA) as part of the planning documentation in August 2019. The EciA was prepared by Deborah D'Arcy, Consultant Ecologist. The EciA provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 8.2.2. Having reviewed the documents, and the research information that fed into the assessment from the National Parks and Wildlife Service (NPWS), the Environmental Protection Agency (EPA), Ordnance Survey Ireland (OSI) and the National Biodiversity Data Centre (NBDC), I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.3. Screening for Appropriate Assessment – Test of likely significant effects

8.3.1. The project is not directly connected with, or necessary to the management of a European Site, and therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).

8.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site

8.4. Brief description of the development

8.4.1. The applicant provides a description of the project within Section 3 of the EclA report. In summary, the development comprises:

- Demolition of a two-storey dwelling.
- Construction of 24 two, three- and four-bedroom two storey terraced houses.
- Vehicular access from Stocking Lane;
- Car parking; public open space and all associated site works and services

8.4.2. Details of Sustainable Urban Drainage (SuDS) measures in terms of managing surface water run off within the appeal site has been submitted as part of the planning documentation as well as.

8.4.3. Habitats within the appeal site boundary include hedgerow along the northern boundary and a semi-mature treeline along the southern and south-western boundaries. A stone wall boundary exists along the western site boundary along Stocking Lane and semi-improved dry meadow grassland throughout most of the appeal site. To the south and south-east of the site contiguous to, but outside of the appeal site boundary is broadleaved Woodland, comprising a mix of Silver Birch, Sycamore, Beech and Wild Cherry trees and amenity grassland along the edge of Stocking Lane.

8.5. Submissions and Observations

8.5.1. None of the parties to the appeal raised any issues in relation to Appropriate Assessment.

8.6. European Sites

8.6.1. Six European sites located within a 15-kilometre radius of the site, the Wicklow Mountains SAC (Site Code: 002122) , the Wicklow Mountains SPA (Site Code 004040), The Glenasmole Valley SAC, (Site Code 001209), The Knocksink Wood SAC (Site Code 000725), The South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (site Code 004024)

8.6.1. Using the source pathway-receptor model, there is no pathway or connectivity between the appeal site and the two European sites which are located within the potential zone of influence of the appeal site.

8.6.2. The Conservation objective of the Wicklow Mountains SAC is “To maintain or restore the favourable conservation status of habitats and species of community interest.”.

The qualifying interests of the Wicklow Mountains SAC, are set out below:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Natural dystrophic lakes and ponds [3160]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Calaminarian grasslands of the *Violetalia calaminariae* [6130]

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]

Blanket bogs (* if active bog) [7130]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Lutra lutra (Otter) [1355]

- 8.6.3. The Conservation objective of the Wicklow Mountains SPA is “To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”

The qualifying interests of the Wicklow Mountains SPA are:

Merlin (*Falco columbarius*) [A098]

Peregrine (*Falco peregrinus*) [A103]

- 8.6.4. The Conservation objective of the Glenasmole Valley SAC, are set out below: “To maintain or restore the favourable conservation status of habitats and species of community interest”

The qualifying interests of the Glenasmole Valley SAC are:

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

- 8.6.5. The Conservation objective of the Knocksink Wood SAC is “To maintain or restore the favourable conservation status of habitats and species of community interest”

The qualifying interests of the Knocksink Wood SAC are:

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

- 8.6.6. The Conservation objective of the South Dublin Bay SAC is: “To maintain or restore the favourable conservation status of habitats and species of community interest

The qualifying interests of the South Dublin Bay SAC are:

Mudflats and sandflats not covered by seawater at low tide [1140]

Annual vegetation of drift lines [1210]

Salicornia and other annuals colonising mud and sand [1310]

Embryonic shifting dunes [2110]

- 8.6.7. The Conservation objective of the South Dublin Bay and River Tolka Estuary SPA is: "To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA"

The qualifying interests of the South Dublin Bay and River Tolka Estuary SPA are:

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]

Oystercatcher (*Haematopus ostralegus*) [A130]

Ringed Plover (*Charadrius hiaticula*) [A137]

Grey Plover (*Pluvialis squatarola*) [A141]

Knot (*Calidris canutus*) [A143]

Sanderling (*Calidris alba*) [A144]

Dunlin (*Calidris alpina*) [A149]

Bar-tailed Godwit (*Limosa lapponica*) [A157]

Redshank (*Tringa totanus*) [A162]

Black-headed Gull (*Chroicocephalus ridibundus*) [A179]

Roseate Tern (*Sterna dougallii*) [A192]

Common Tern (*Sterna hirundo*) [A193]

Arctic Tern (*Sterna paradisaea*) [A194]

Wetland and Waterbirds [A999]

8.7. Identification of likely effects

- 8.7.1. Cumulative impacts have been considered. Future developments in the area are likely to be residential or community based in nature within the Stocking Lane area.

This area is removed from the SAC/SPA boundaries and would, therefore, be less likely to give rise to cumulative impacts on any European sites in the vicinity.

8.8. Mitigation Measures

- 8.8.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

8.9. Screening Determination

- 8.9.1. Significant effects can be excluded, and Appropriate Assessment is not required
- 8.9.2. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the the Wicklow Mountains SAC (Site Code: 002122) , the Wicklow Mountains SPA (Site Code 004040), The Glenasmole Valley SAC, (Site Code 001209), The Knocksink Wood SAC (Site Code 000725), The South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (site Code 004024) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment, and the submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

I recommend that planning permission be granted.

10.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the South Dublin County Development Plan 2016-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development on this brownfield, vacant site, would not seriously injure the residential or visual amenities of neighbouring properties, would not seriously injure the residential amenities of future occupants 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.

11.0 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 20th day of November 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. The development shall be constructed as per the recommendations as set out within the revised Acoustic Design Statement, prepared by AWN Consulting as submitted to the Planning Authority on the 20th day of November 2020

Reason: In the interest of clarity and the protection of residential amenity.

3. Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) Details of bicycle parking capacity and location within the appeal site.
- (b) Precise details of the materials to be used within the bicycle parking shelters, including provision of adequate illumination.

Reason: In the interest of proper planning and sustainable development..

4. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban

Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist, and traffic safety.

5. The site shall be landscaped in accordance with the comprehensive scheme of hard and soft landscaping, details of which were submitted to the Planning Authority on the 20th day of November 2020. This plan shall include for protection of trees and hedgerows on and adjacent to the site and shall comply with the requirements of the Planning Authority with regard to a post completion tree survey.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The developer shall engage the services of a qualified arborist for the entire construction period and the details of the arboricultural consultant shall be submitted to the planning authority.

Reason: In the interest of the protection of trees and landscape features and the implementation of an approved landscape design.

6. (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) All existing tree and hedgerow planting identified within the Arbocultural Report submitted to the Planning Authority on the 19th day of July 2020 shall be protected for the duration of construction works on site

Reason: In the interests of visual and residential amenity

- 7 The areas of open space illustrated within the submitted plans shall be reserved for such use and, other than the play areas, shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The play areas shall be developed in accordance with details to be submitted to and agreed in writing with the planning authority prior to commencement of development. All of this work, including the play areas, shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

7. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interests of public health.

8. 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.

Reason: In the interest of public health.

9. Public Lighting for the development shall be designed to safeguard bat species and shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of proper planning and the protection of light sensitive species.

10. The mitigation measures recommended in the Ecological Impact Assessment , prepared by Deborah D'Arcy and as submitted to the Planning Authority on the 10th day of July 2020 shall be implement in full and shall be certified as having been implemented by the Consultant Ecologist.

Reason: In the interests of protecting bats and other species.

11. Proposals for a development/estate name, 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 estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. Site development and building works shall be carried only out between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities.

- 13 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 clarity, orderly development and amenity.

- 14 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. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interest of visual and residential amenity, and of sustainable development.

- 15 A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

- 16 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

- 17 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 and maintenance until taken in charge by the local authority of roads, footpaths, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

- 18 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.

Fergal Ó Bric

Planning Inspectorate

12th January 2022