



An
Bord
Pleanála

Inspector's Report ABP-310514-21

Development	Demolition of existing structures and construction of 4 two storey plus attic floor houses and 5 apartments
Location	Suncroft House, Ballymount Road, Ballymount, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0069
Applicant(s)	Derek McDonnell.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Derek McDonnell.
Observer(s)	James & Ciara Wright. Peter Fitzpatrick for Kingswood Heights Residents Association. Bernadette & Enda Shortall. Gemma Lakes. Jim & India Doyle.

Oliver Newman.
Deirdre & Derek Corcoran.
Brid McManamon.
Brendan & Joan Carroll.
Michael O'Neill.
Paul Carrie.
Peter Cooley.
Linda & Paul White.
Ann & Richard Skelly.
Malachy Gallagher.
Janice & Graham Fitzgerald.
Ciara & Andrea Fitzgerald.
Sean Murray.
Stephen & Sharon Jones.
Noel & Ann McNally.
Helen & Sean Keogh.
James Bermingham.

Date of Site Inspection

22nd March 2022.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The appeal site is located on the north-western side of Ballymount Road to the west of the M50. It has a stated area of 0.175 ha. and is located in the Kingswood residential area and is surrounded by two storey residential properties to the east, north-east and west. To the north-west, the site bounds an area of open space that lies to the north-east of Ashfield Avenue. There is also a pedestrian pathway in this area that connects the residential areas to the east of the site with a neighbourhood centre that is located c. 200m to the south-west.
- 1.2. The site is currently occupied by a bungalow which is in a very poor state of repair. On the occasion of the site inspection, there were some cars parked on the site but the house did not appear to be occupied. The rear garden area of the bungalow was characterised by some discarded domestic and garden material and by generally high boundary walls to the surrounding residential properties. These boundaries comprise block walls with the exception to the north-west boundary which faces the area of open space to the north where the boundary comprises a timber panel fence with concrete posts.
- 1.3. The LUAS red line runs to the south of the site along the line of Bóthar Katherine Tynan (R838) and the closest stop is at Kingswood c.650 metres to the south of the appeal site. The closest bus stops are on Sylvan Drive, approximately 350m from the site. Tallaght Town centre is located approximately 3 km to the south and Clondalkin Village is located approximately 2km to the north-west.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing bungalow on the site, the removal of an existing septic tank and the construction of a residential development that can be summarised as follows:
 - 4 x 4-bedroom, 3-storey, semi-detached houses with gross floor areas ranging from 160-178m². All houses would open onto the public footpath and have private rear gardens ranging from 70-99m².
 - A 2 – 3 storey building facing onto Ballymount Road, containing 5 no. apartments in 2 separate volumes connected by a circulation core. This block

would provide 4 x 2-bedroom apartments ranging in size from 77-106m² and 1 x 1-bedroom apartment of 67m². All of the apartments would have terraces of 10-21m².

- 2.1.1. The main entrance to the site would be realigned to the southern corner of the site and a pedestrian footpath would be installed to the front of the site. and new boundary treatments would be installed throughout.
- 2.1.2. A shared open space to the centre of the site would include an area of 135m² open space, 12 surface car parking spaces and a bin store. Vehicular and pedestrian access from Ballymount Road in a relocated entrance.
- 2.1.3. The existing block walls to along the boundaries to the north and south would be retained and rendered. A new 2m high block wall would be constructed along the western boundary and facing onto Ashfield Avenue. To the front of the site, the low-level front boundary wall would be replaced with a 1m high rendered wall with 0.6m high railings over.
- 2.1.4. The development would be connected to the public mains water and wastewater services and the surface water would be attenuated on the site through the use of SUDS and an attenuation tank before being discharged to the public system.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the PA for 7 reasons which are summarised below:

- 1. The proposed development would have an overbearing visual impact on adjoining properties by virtue of the limited separation distances and the appearance of the 3 storey terraced houses.
- 2. Having regard to surrounding development, the proposed three storey house would have a detrimental visual impact on surrounding properties, as perceived from garden spaces.

3. Lack of sufficient residential amenity through deficiencies in the scheme in terms of lack of privacy strips to the ground floor rooms, poor quality of private open space and lack of a noise assessment.
4. Deficiencies in surface water attenuation.
5. Lack of details with regard to landscaping, planting and SUDS.
6. Deficiencies in terms of layouts of footpaths, carriageways and parking areas.
7. Deficiencies in terms of landscape planting, multi-functional open spaces and incorporation of SuDS measures for surface water drainage which would be contrary to G2 Objective 5 and Green Infrastructure Policy 5 of the South Dublin County Development Plan 2016-2022, as well as a lack of proposals to replace hedgerows and trees on the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by the report of the Planning Officer dated the 17th May 2021 and includes the following:

- The development is compatible with the zoning objective for the site and the SDCC Development Plan is generally supportive of infill development.
- Separation distances between the proposed houses to the rear of the site and the existing houses are generally acceptable.
- The 3 storey element of the front block would not integrate well into the surroundings and would cause issues of overlooking.
- The design could be improved by altering the position of the windows at second floor level to reduce the potential for overlooking of No. 3A Ballymount Road and by altering the flat roof profile by providing a subordinate hipped or pitched roof profile over the circulation area.
- The PO considers the potential overlooking of No. 3A Ballymount as a reason for refusal.

- It is considered that the houses to the rear of the site are effectively 3 storey houses and would have a detrimental visual effect on the surrounding properties. The PO considers this to be a reason for refusal.
- It may be possible to provide habitable accommodation at attic level by providing a traditional shared hipped/pitched roof aligned with the long end of the terrace.
- The shadow study submitted does not provide information on the shadow impact on private terraces, nor does it distinguish between the rear gardens. It is clear that there is a major issue of sunlight penetration into the rear gardens and central amenity spaces.
- The housing mix, density, room sizes and private amenity spaces are in accordance with the standards as set out in the Development Plan and National Guidance. However, the rear gardens would be overshadowed.
- The proposed ground floor units are not provided with a privacy strip to the central open space and is considered to be a reason for refusal.
- The function of the open spaces to the front and centre of the development is unclear. It is also unclear if the applicant can provide either communal or public open space with adequate sunlight penetration. This is considered to be a reason for refusal.
- Proposals for the restoration of hedgerows and trees removed from the site are not included in the landscaping plan and contravenes design criteria contained in Section 11.3.2 of the Development Plan. This is considered to be a reason for refusal.
- Whilst a number of issues could be resolved through a request for further information, the combination and volume of issues warrant a decision to refuse permission.

3.2.2. Other Technical Reports

- Water Services –The proposed surface water attenuation is undersized for a 1 in 30 and 1 in 100 year storm. Further information is requested with regard to the proposals for surface water attenuation and SUDS.

- Environment / Public Realm Section – The landscaping plan has insufficient detail and is not acceptable. The exact quantum of open space is not provided. There is a lack of SUDS for the development. Further information is requested.
- Environmental Health Officer – Further information is requested with regard to the submission of a noise impact assessment to assess the impact of environmental noise from the M50 and from the Luas Red Line.
- Roads Department – Further information is requested with regard to pedestrian priority, public lighting, a mobility management plan, areas for taking in charge, dedicated parking spaces for mobility impaired users, charging points for electrical vehicles, swept path analysis for service and emergency vehicles and bicycle parking provisions.

3.3. Prescribed Bodies

- Irish Water – No objection to the development.

3.4. Third Party Observations

- 3.4.1. A total of 46 third party submissions were received by the PA. These included submissions from Colm Brophy TD, Cllr. Charlie O'Connor, Cllr. Liam Sinclair and the Kingswood Residents Association.
- 3.4.2. Of the submissions, 12 were in support of the development for reason relating to the delivery of new housing in the area and the reuse of a vacant site.

The issues raised in the objections to the development include the following:

- Visual impact
- Overlooking and loss of privacy,
- Insufficient separation distances,
- Excessive height for the neighbourhood,
- Traffic implications,
- Overshadowing of adjoining properties,

- Light and noise pollution,
- Excessive density,
- Lack of planting and landscaping,
- Lack of capacity in wastewater infrastructure,
- Lack of amenity for future residents.

4.0 Planning History

ABP-303513-19, (SD18B/0383) – Planning permission refused by An Bord Pleanála on the 22nd May 2019 for the demolition of a single storey bungalow including the removal of a septic tank and the construction of 2 x 3-storey blocks comprising 7 x 2 bedroom apartments and 7 x 3 bedroom duplex units. Permission was refused for the following reasons:

1. Having regard to the design, scale and layout of the public and private amenity spaces serving the development, in particular the lack of adequate private amenity space to serve the apartment units in Block A, the poor amenity of the private space to serve the apartment units in Block B and the general deficiency in provision of public open space and poor layout of the area at the north-east corner of the site, it is considered that the proposed development would be contrary to Housing Policy 12 (Public Open Space), Housing Policy 13 (Private and Semi Private Open Space) and Housing Policy 15 (Privacy and Security) of the South Dublin County Development Plan, 2016-2022. The proposed development would, therefore, result in a substandard form of residential development for future occupants of the development, would seriously injure the amenities of existing adjoining residential properties and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale, design and layout of the proposed development, in particular the use of staircase and deck access arrangements to access upper floor duplex units and the proximity of the blocks to site boundaries, it is considered that the proposed development would have a significant negative impact on the residential amenities of surrounding properties by virtue of

overlooking, overbearing visual impact and loss of privacy. The proposed development would, therefore, seriously injure the amenities and be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The **South Dublin County Development Plan 2016-2022** is the operative Development Plan for the area. The site is mainly zoned 'Res', the objective of which is *'To protect and/or improve residential amenity'*. A small triangular shaped section of the site at the north-east corner is zoned Objective 'OS', *'to preserve and provide for open space and recreational amenity'*.

There are no special designations that relate to the site.

The following Development Plan policies and objectives are relevant to the subject site:

- 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) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009).
- H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).
- H8 Objective 6: To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or

an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

- H10 Objective 1: To ensure that new residential developments provide for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022.
- H17 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 11 Implementation.

Chapter 11 – Implementation

Residential Development:

- Mix of Dwellings - On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality.
- Density – To accord with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) with a net density of greater than 35 units per ha.
- Public Open Space – Landscaping plan required for development of 10 units and over.

Development Plan Standards for 4 bedroom houses & apartments:

	GFA m2	Private Open Space m2	Storage m2
4 bed houses	110	70	
2 bed apts.	73	7	6
1 bed apt.	45	5	3

11.2.7 – Building Height

The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.

11.3.2 - Infill Sites will be assessed against the following criteria:

- The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).
- Reduced open space and car parking standards may be considered for infill development. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park.
- Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

11.6.3 – Environmental Health Management

- Noise - The Planning Authority will have regard to the Dublin Agglomeration Environmental Noise Action Plan 2013 – 2018, Dublin Local Authorities (2013) when assessing development proposals along major road and rail transport corridors, with a view to reducing noise from new sources and to identify and protect areas of low sound levels.
- Public Lighting - Lighting should be designed so as to avoid light spillage, the creation of glare or the emission of light above a horizontal plane.

Car Parking Standards – Table 11.24

The subject site is located within Zone 1 – which is a general rate applicable throughout the County.

	Car Parking (max) Zone 1	Bicycle Parking (min) Long Term	Bicycle Parking (min) Short Term
4 bed house	2 spaces	1 per 5 apartments	1 per 10 apartments
2 bed apt	1.25		
1 bed apt	1		

5.2. National Guidelines

5.2.1. Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

NPO 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2020).

These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

SPPR2 – Sets out the dwelling mix for residential development of up to 9 units; between 10 to 49 units and for schemes of 50 or more units.

SPPR3 – Sets out the standards for minimum apartment floor areas.

SPPR5 – Specifies floor to ceiling heights.

Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

5.2.3. Urban Development and Building Heights – Guidelines for Planning Authorities (2018) –

5.2.4. The guidelines make a number of references to outer suburban locations and infill developments. Height restrictions are to be discouraged and a general accommodation of medium density format of developments comprising town houses, duplexes and apartments at heights of 4 storeys and upwards is promoted.

5.2.5. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.

The guidelines and accompanying Best Practice Guide set out 12 criteria under which design proposals should be assessed. The Best Practice Guide states that in smaller infill developments, the mix of housing should ensure that taken with the existing homes, the overall mix in the neighbourhood is conducive to maintaining a healthy balanced community.

The guidelines state that in outer suburban areas, such as the appeal site, a density of less than 30 units per hectare is to be discouraged. Density along public transport corridors is to be encouraged and section 58 of the guidelines identify a 1km radius of light rail as being an appropriate location for increased densities.

Chapter 7 places a focus on qualitative standards and notes that qualitative standards in terms of amenity space, separation distances or parking should not result in the minimum residential densities not being achievable.

5.3. Natural Heritage Designations

- 5.3.1. No designations apply to the subject site.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.2. Class (10)(b)(i) 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,
- 5.4.3. It is proposed to construct 4 no. of houses and 5 no. apartments in two blocks with associated car parking, site works and landscaping. The number of dwellings proposed is well below the threshold of 500 dwelling units as noted above. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.

5.4.4. 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. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the vicinity. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses which are also residential. It would not give rise to a risk of major accidents or risks to human health.

5.4.5. 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 the site on lands that are zoned for 'Residential' uses under the provisions of the South Dublin County Development Plan, and the results of the strategic environmental assessment of the South Dublin County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site which will be served by public infrastructure,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- 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),

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 for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal respond to the reasons for refusal and include the following:

- The proposed is in accordance with zoning objective for the site as well as National Guidance and Development Plan policy.
- The development is of an appropriate scale and density for an infill urban site which is in close proximity to services, amenities and public transport.
- The report of the PO refers to the Development Plan requirement for a minimum separation distance of 35m for a three-storey building. This requirement is at odds with national guidance to increase the density of development in urban locations.
- The PA objects to the provision of 3 storey development on the site, which conflicts with national guidance on intensification of brownfield urban sites. The proposed houses will read as two storeys plus attic and the end gables will have a sloping roof as seen from the adjoining gardens.
- In relation to the apartment block to the front the criticisms of the PA are focused on the detailed design issues and the separation distance to the nearest house on the opposite side of Ballymount Road.
- There is a public road between this house and the subject site and the elevation of the house facing onto the site contains a window to the stairs and bathroom with a corner section of a wraparound bedroom window.
- Design changes to the buildings are not considered to be appropriate responses to the overall scheme.
- In terms of the design details referenced in Refusal Reason 2 – a privacy planting strip was proposed between the ground floor apartment bedrooms and the open space. A revised layout is submitted with the appeal and this area is widened to 1.2m.

- The gardens and open spaces have been assessed for shadow and all of the communal spaces and the back gardens of the houses meet the BRE requirements for sunlight and at least half of the area would receive a minimum of 2 hours sunlight on the 21st March.
- The requirement for an inward noise assessment is unnecessary within the context of the site location. This issue was not raised during the pre-application consultation or during the previous application on the site, (SD18A/0383).
- Noise maps for the Dublin area have been compiled as part of the Dublin Agglomeration Environmental Noise Action Plan, 2018-2023. The maps for the surrounding area show that the site could be considered within an area that is slightly over the limit to be classified as 'desirable' but below the levels described as 'undesirable'.
- It is of note that the issue of noise was not raised in two recently permitted developments, Refs. SD17A/0419, Forest Lodge and SD18A/0279 Old Ballymount Road and Forest Close, which are considerably closer to the M50 than the subject site.
- If the Board considers it necessary, a condition could be attached to a permission requiring conformity with the internal noise levels set out in the SDCC advice note *14:SDCC Noise Control Pre-Planning Guidance*.
- Refusal Reason No. 4 states that the proposed surface water tank is undersized for the 1 in 30 and 1 in 100 storm events. The calculations have been re-checked by the design engineers, Kavanagh Burke Engineers, and they are confident that the figures are fully accurate.
- Additional information regarding the surface water network have been submitted with the appeal in the document, Storm Water Network and Attenuation Storage Analysis PL6 and on Drawing No. D1496-D3-PL6.
- A landscaping scheme was submitted with the application and included details of the planting proposals for the site. Additional detail in the form of an amended landscaping plan has been submitted as part of the appeal. It is noted that it is common practice for the Board to include a condition in

planning permission requiring detailed landscaping proposals to be agreed with the PA. Such a condition would be acceptable to the applicant.

- It is agreed that the provision of communal amenity space to the front and public space to the centre of the site is a reasonable approach.
- The combined area of open space gives a total of 12.3% of the site area. The proximity of the site to Ballymount Park is noted, and Ministerial Guidelines set out in the Sustainable Residential Development in Urban Areas 2009 advocate a relaxed approach to open space where a site is in proximity to a public park.
- SUDS are provided in permeable paving to the car parking areas, along with interception storage. Water butts will also be provided to the houses.
- The modest infill scheme on a site of 0.183ha is below the scale at which landscape features may usefully or readily be incorporated for SUDS drainage.
- With regard to the layout of paths, carriageways and parking, road access has been designed to accord with DMURS and is based on the 'Homezone' concept. Both accessible parking and facilities for electric vehicle charging were shown on the drawings submitted with the application and have been submitted again for clarity with the appeal.
- SDCC Roads Department accepted that a refuse truck would reverse into the development or stop on Ballymount Road to collect bins. Therefore, it is not necessary to provide a full truck turning area on a short internal road for a limited number of dwellings. In addition, a Fire Safety Certificate will address all issues pertinent to safety.

6.2. Planning Authority Response

- No comments from the PA were received.

6.3. Observations

A total of 21 no. observations were received. They included submissions from residents from adjoining properties on Walnut Avenue and Dunmore Grove as well

as residents from the wider area and the Kingswood Heights Residents Association. The submissions raised the following issues:

- Visual impact – not in keeping with the character and height in the area.
- Overshadowing of adjoining properties.
- Overbearing impact on the properties on Walnut Avenue.
- Light and noise pollution
- Overlooking from the 3rd floor of the apartment block which has a window facing the gardens of Walnut Avenue.
- No proposals for screening to the boundary walls of the houses on Walnut Avenue.
- Inadequate separation distances of less than 35m.
- Excessive density on a constrained site within an established residential area.
- The removal of vegetation on the site increases the visual impact of the development.
- An alternative proposal of 6 houses submitted by neighbouring residents under ABP-303513-19 is considered to be more appropriate for the site.
- Limited capacity of existing wastewater services in the area.
- Wholesale clearance of all vegetation was carried out on the site.
- Increased traffic.
- Insufficient provision of parking spaces within the site.
- Proximity of 3 storey gable wall to the rear boundary of neighbouring gardens.
- Visibility and pedestrian safety – the proposed access is on a bend.
- Query regarding ownership of a strip of land to the rear of No's 1-6 Walnut Avenue and to the rear of No's 23-31 Dunmore Grove. A second boundary wall to Suncroft is shown on the Existing Site Plan but has since been removed. This strip of land was left by the developers of Walnut Avenue, Drumlish Homes, who built the development in the 1980's. This area has been subsumed into the development site without permission.

- Queries regarding compliance with Building Regs in terms of parking spaces and fire safety.
- No review of traffic impact.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Procedural Issues
- Layout & Design
- Residential Amenity
- Traffic
- Drainage
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The appeal site is located on lands that are zoned Objective RES under the provisions of the South Dublin County Development Plan, 2016-2022. The stated objective for these areas is *'to protect and improve residential amenity'*. Residential development is identified as a normally permissible use on lands zoned RES and the principle of infill development is supported by the Development Plan. However, the Development Plan also notes that infill development on smaller sites must be sympathetic to the surrounding environment and that a degree of architectural integration with the surrounding built form will be required, (Section 11.3.2).
- 7.2.2. A small triangular shaped section of the site at the north-east corner of the site is zoned Objective OS 'to preserve and provide for open space and recreational amenity'. The zoning objective matrix as set out in Table 11.1 of the Development Plan states that residential development is 'open for consideration' under the 'OS'

zoning objective. I am satisfied that the proposed development is in accordance with the zoning objectives for the site and can be assessed on its merits against national and local planning policy.

A number of third-party observations raised concerns regarding the density of the proposed development. National planning policy promotes higher densities in urban locations with good access to public transport. The proposed development would have a density of 51 units per ha. It is within 650m of the Kingswood Luas stop and is approximately 350m from the bus stops on Sylvan Drive. The Sustainable Urban Development Guidelines 2009 recommend the provision of net densities of 35-50 dwellings per hectare on sites in outer suburban areas. Development Plan policy H8 seeks to promote higher densities at appropriate locations and H8-Objective 6 supports the provision of densities of 35-50 dwellings per ha in outer suburban locations. I am satisfied that the density proposed for the site is not excessive and is in accordance with national policy and Development Plan policy.

7.3. Procedural Issues

- 7.3.1. A number of third-party submissions make reference to the land ownership of strips of land to the rear of No's 1-6 Walnut Avenue and No's 23-29 Dunmore Grove. The applicant has stated on the application form that they own the site. None of the information on the file indicates that they do not have sufficient legal interest to lodge the planning application. Disputes over land ownership are civil issues and are not dealt with through under the Planning and Development Acts. Furthermore, Chapter 5.13 of the 'Development Management – Guidelines for Planning Authorities', (DoECLG 2007), is states, inter alia, the following: *'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...'*.

7.4. Layout & Design

Layout

- 7.4.1. The development would be laid out in two blocks with four, three-storey houses towards the back of the site and a 2-3 storey block comprising five apartments to the

front of the site and facing onto Ballymount Road. Surface car parking spaces would be positioned towards the centre of the site and adjacent to an area of open space. An additional area of open space is shown to the front of the apartments and adjacent to Ballymount Road.

- 7.4.2. I am satisfied that the layout of the development presents a reasonable response to the site. The buildings to the front would provide a defined edge to the scheme and the internal spaces would be overlooked by the units. Within the public realm, there is no defined building line on this section of Ballymount Road. The front boundary of the proposed development would follow the line of the side boundary wall to No. 1 Walnut Avenue which would also allow for a continuation of the public footpath to the front of the site. To the rear of the site the three storey houses would back onto Ashfield Avenue, which is not the optimal design response in terms of providing passive surveillance to the public open space. However, the constraints of the site are noted, and the proposed layout would overlook the internal spaces of the site.

Design & Scale

- 7.4.3. In general, the proposed buildings are traditional in style as they have double pitched slate roofs with gable ends to the front and rear. Timber screens at the front of the building provide a contemporary finish to the overall appearance. The use of the timber screens was objected to by third parties. However, they serve a practical purpose by providing a screening to the apartments and to the adjoining terraces whilst also providing visual interest. Overall, the design and appearance of the development is not out of keeping with the pattern of development within the area which includes a mix of house designs.
- 7.4.4. I am satisfied that the height and scale of the proposed development is acceptable within the low-rise residential area. To the front of the site, the apartment building would comprise two volumes, a two-storey section adjacent to the northern boundary and a three-storey section stepping-up towards the centre of the site. The ridge height of the two-storey section is approximately 1.2m higher than the ridge of the neighbouring house at 23 Dunmore Grove, which is minimal given the separation distance of c. 20m. The three-storey section would have a ridge height of c. 3.2m higher than the neighbouring two storey house on Walnut Avenue. However, given its location beside the access road and the separation distance of c. 18m to the rear

of the closest house on Walnut Avenue, I am satisfied that the scale is not excessive and would not be visually intrusive within the existing streetscape. The pitched roof profile and the positioning of the top level within the roof slope also reduces the overall mass of the building.

7.4.5. I would agree with the conclusion of the Planning Officer that the flat roof profile to the central circulation area is inconsistent. The parapet level of the flat roof is higher than that of the two-storey building and interrupts the built form of two clear volumes with clearly defined roof lines. This effect is compounded where the flat roof intersects with the pitched roof plane. In my opinion this element damages the overall aesthetic within the streetscape. However, this is not a reason for refusal, and could be addressed by amending the roof profile of the circulation area. Should planning permission be granted for the development, I recommend that a condition be attached to review the flat roof profile to the circulation area in order to provide a better visual response to the apartment building.

7.4.6. Within the reasons for refusal, the PA considered that the development would have a negative visual impact on existing houses, particularly when viewed from the rear gardens. This relates mainly to the houses to the rear of the site and their proximity to existing houses on Walnut Avenue and Dunmore Avenue. Given the uncomplicated design and form of the buildings, I do not consider the visual impact of the proposal to be considerable. However, I accept that by virtue of the constrained separation distances proposed, the development may have an overbearing impact on the existing residential development by virtue of its proximity. This is dealt with in Section 7.5 below where the impact of the development on existing residential amenity is fully assessed.

7.5. Residential Amenity

Future Residential Amenity

7.5.1. In terms of residential amenity for future residents, I am satisfied that the proposed residential units would provide an acceptable level of amenity. All of the houses are in excess of the Development Plan standards for gross floor areas, minimum room sizes and private open space as set out in Table 11.20. Within the apartments, the gross floor area, room sizes and and allocation of space are all in accordance with

the standards set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015) and the minimum floor areas set out in Table 11.21 of the Development Plan. All of the apartments are dual aspect and have access to private terraces that exceed the minimum requirements for private open space as set out in the Apartment Guidelines and in Table 11.21 of the Development Plan.

- 7.5.2. A Shadow Assessment was submitted with the appeal in response to concerns raised by the PA regarding the quality of the private open spaces to the rear of the houses in terms of overshadowing. The assessment also measured the performance of the apartments in terms of light distribution, (Average Daylight Factor, ADF), to all habitable rooms, sunlight availability and shadow performance of amenity spaces
- 7.5.3. The assessment was carried out in accordance with the '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and BS8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting*'. I note that an updated British Standard (BS EN 17037:2018 '*Daylight in Buildings*'), was published in May 2019, to replace the 2008 BS. However, I am satisfied that this updated guidance does not have a material bearing on the outcome of the assessment.
- 7.5.4. The results of the assessment showed that all of the habitable rooms were in excess of the recommended ADF as set out in the BRE guidelines. As the living rooms face east, a test was applied to measure the annual probably sunlight hours, (APSH) and the winter probably sunlight hours, (WPSH). All but one of the living room windows met the BRE recommendations for APSH and all of the windows met the recommendations for WPSH. The window that did not meet the recommendation was the front window to Apartment No. 4 which is located at ground floor level along the northern site boundary. This window achieved 22% of APSH, which is marginally below the 25% recommendation.
- 7.5.5. All of the balconies met the BRE requirements of a minimum of 2 hours of sunlight on the 21st March over 50% of the area. The proposed apartments would not be obstructed by nearby buildings or trees and would have floor to ceiling heights of 2.7m with large scale glazing to the combined living/dining areas. Overall, I am

satisfied that they would have sufficient levels of amenity for future residents in terms of access to daylight and sunlight.

- 7.5.6. The Shadow Assessment stated that A shadow study was initially submitted with the application. the shadow study submitted with the original application was incorrect and the shadow plots were incorrectly orientated. This resulted in the original assessment depicting excessive shadow over the gardens and central amenity space which may have been a cause of the original refusal.
- 7.5.7. The results of the second assessment showed that both of the communal open spaces were in accordance with the BRE guidelines and at least 50% of the area would receive at least 2 hours of sunlight on the 21st March. The private gardens to the rear of the houses were also tested and the results showed that all but House No. 1, (the house closest to the southern boundary), would achieve the BRE guideline of at least 2 hours of sunlight on 50% of the area / ground on the 21st March. The results for House No. 1 showed that only 45% of the garden would achieve 2 hours of sunlight. However, the report notes that the rear garden of House No. 1 is 78m², which is in excess of the 70m² requirement as set out in the Development Plan. When the garden is assessed using the minimum requirement of 70m², the area achieves the 50% requirement.
- 7.5.8. I am satisfied that the private gardens and the communal areas would receive adequate levels of daylight and sunlight based on the results of the assessment carried out using technical software designed for the specific purpose. The rear gardens would have a westerly orientation, which would result in the living areas having late afternoon and evening light.
- 7.5.9. Concerns were raised by the PA regarding the lack of privacy strips for the apartment units with ground floor bedrooms facing onto the public open space. The applicant has addressed this in the appeal and has clarified that a privacy planting strip was proposed and was shown on the Landscape Design drawing. A modified layout has been prepared and submitted with the appeal in Drawing No. 055_P_06, Proposed Site Plan. This drawing shows a planting strip of 1.2m outside the ground floor bedroom windows facing onto the central public spaces, which is an adequate response to the query raised.

- 7.5.10. Two areas of open space are provided within the development, one area to the front of the apartments and adjacent to Ballymount Road and another towards the centre of the site. The report of the PA considers that an acceptable allocation of open space within the site would provide a communal amenity space to the front of the site and a public amenity within the central space, and that the combined area of both spaces should meet or exceed the requirement of 33m² for communal open space and the 10% requirement for public open space. Based on this calculation the total quantum of open space within the site would be 216m², (183m² public open space and 33m² communal space). The combined area of open space within the site is in the order of 225m², which is acceptable within the context of the site and in consideration of the nature of the small-scale development.
- 7.5.11. The reasons for refusal include the lack of an inward noise assessment to ensure that units would comply with the standards for noise. The appeal site is located within an established residential area that is approximately 400m from the M50 and 500m from the Luas line. I am satisfied that given the scale of the proposed development, its location within an established residential area and the distance to the M50, which is the nearest significant noise generator, that an inward noise assessment is unnecessary and does not warrant a reason for refusal.

Existing Residential Amenity

- 7.5.12. The impact of the proposal on existing residential amenity in terms of overlooking, inadequate separation distances, height and overbearing impact formed the first reason for refusal by the PA. These issues were also raised by third parties.

Overlooking

- 7.5.13. In terms of overlooking, I am satisfied that the houses to the rear of the site would not result in any overlooking of adjoining houses. The proposed houses are not orientated to face onto the existing houses and any windows that face onto existing gardens serve circulation areas and would be fitted with obscured glazing. Towards the front of the site, the apartment buildings are also orientated to face away from the adjoining properties on Walnut Avenue and Dunmore Grove. There are no windows on the side elevation facing onto the rear gardens of Dunmore Grove. The terrace to apartment No. 4 would be recessed with a solid wall facing onto Dunmore

Avenue and the terrace to Apartment No. 13 at first floor level would be fitted with screens to prevent overlooking.

- 7.5.14. The southern elevation of the three-storey apartment block would face onto the rear gardens of No's 1 & 2 Walnut Avenue. The side elevation would have windows at first and second floor level. At first floor level the windows would serve two bathrooms with a high-level window to the living area. At second floor level the window would serve a bedroom, which could result in some perceived overlooking. However, I am satisfied that the potential for overlooking from a bedroom is less likely than from a living area as it would be less used and that on balance, the proposal would be acceptable.
- 7.5.15. The potential for overlooking of No. 3A Ballymount Road was referenced as a reason for refusal. Having reviewed the drawings and visited the site, the only potential for overlooking of this property would be from the first-floor terrace of Apartment No. 3. This terrace would be approximately 18m from the side wall of No. 3A, which is located on the opposite side of Ballymount Road. The windows on the side wall of this house serve bathrooms or stairs, which are not sensitive in terms of overlooking. An additional wraparound bedroom window is located at the front of the house with a side portion facing onto Ballymount Road. This section of the window would not be subject to direct overlooking from the proposed terrace at first floor level given the privacy screens proposed and the angle of the terrace .

Overshadowing

- 7.5.16. The Shadow Assessment submitted with the appeal only measures the adequacy of the proposal in terms of access to daylight and sunlight for the development itself and does not consider the potential for overshadowing of adjoining properties. A shadow study was prepared for the initial application and showed that the existing housing would have very little impact regarding overshadowing. However, the accuracy of this study is questioned in the revised Shadow Assessment which states that the shadow plots issued were inaccurately orientated.
- 7.5.17. Given the orientation of the site, I am satisfied that the houses to the south of the site on Walnut Avenue will not experience any significant overshadowing from the development. The rear gardens of the houses on Dunmore Grove may experience some overshadowing from the development during the winter months when the sun

is lower in the sky. However, it is noted that most of these gardens have sheds or outbuildings along the rear boundary which would be the areas most likely to be overshadowed.

- 7.5.18. With regard to measuring potential loss of daylight to the houses on Dunmore Grove, the BRE guidelines recommend two tests to apply. Firstly, distance between the existing and proposed building is considered. Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. The calculation includes an assumption that a typical ground floor window would be 1.5m above the ground. In the case of the proposed development, the ridge height of the proposed building closest to the existing houses would be 8.5m. An allowance of 1.5m is deducted from this to give a threshold separation distance of 21m, $(3 \times (8.5 - 1.5) = 21)$.
- 7.5.19. The significant buildings to be tested for loss of daylight are No's 23 and 25 Dunmore Avenue which would be in closest proximity to the two-storey apartment block to the front of the site. No. 41 Dunmore Grove is also in close proximity to the side of House No. 4. However, the side elevation of No. 41 would face onto the site and the only windows on this elevation serve a ground floor utility room and WC and a closet and bathroom at first floor level, (Ref. S01B/0437). The BRE guidelines for measuring daylight are intended for use for rooms in existing dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms and circulation areas need not be analysed. Therefore, no further analysis is required for this property.
- 7.5.20. The rear elevation of No. 23 is shown as 21m from the front corner of the proposed building and the rear of No. 25 is c. 26m from the closest point of the side elevation. Both No's 23 and 25 are within the range of the recommended threshold, and as such, any loss of light would be small, and a second test is not required.
- 7.5.21. I am satisfied that the proposed development would not result in any undue or significant overshadowing or loss of daylight to existing property.

Overbearing Impact

- 7.5.22. Concerns were raised in the grounds of appeal regarding the separation distances and the overbearing impact of the proposed development on adjoining residential development. The separation distances from the proposed development to the houses on Dunmore Grove range from 21 – 26m, which is sufficient to mitigate against any overbearing impact. The side elevation of House No. 4 faces onto the side elevation of No. 41 Dunmore Grove and as such will not have an overbearing impact. The house is also positioned at an angle to the rear garden of No. 41 and would not directly face onto the private open space. No windows to living areas would face onto the existing property and the first-floor window to the circulation area of the proposed house would be fitted with obscured glazing.
- 7.5.23. Separation distances between the proposed development and the houses on Walnut Avenue range from 12-18m at first floor level. Towards the front of the site, the southern elevation of the three-storey apartment block would face onto the rear gardens of No's 1 & 2 Walnut Avenue. Separation distances between the buildings range from 18-20m which would be sufficient to prevent an overbearing impact.
- 7.5.24. No. 6 Walnut Grove would have the greatest potential for experiencing an overbearing impact from the proposed development by virtue of the orientation and separation distance between the buildings. The rear garden of No. 6 would back directly onto the side of House No. 1. There would be a separation distance of 12.9m between the side gable and the rear elevation of No. 6 at first floor level. The property has a small extension at ground floor level adjacent to the southern boundary. This element would have a separation distance of 10m from the proposed house.
- 7.5.25. The overall ridge height of the proposed 3-storey house would be 10m and the eaves level would be 7.1m. The ridge height of No. 6 is c. 7.6m. In my opinion the impact of a side gable of 7.1m in height c. 12m from the rear elevation of No. 6 Walnut Grove would result in an overbearing impact when viewed from the dwelling and the private open space to the rear. This would also result in a negative impact on the existing residential amenity. Should permission be granted for the proposed development, I recommend that a condition be attached to omit House No. 1 and to revise the arrangement of the terrace accordingly. This would increase the

separation distance between the existing house at No. 6 Walnut Avenue and reduce the impact on the existing residential amenity.

7.5.26. I note that the PA made reference to Development Plan guidance on building height as set out in Section 11.2.7, where the development plan recommends that new residential development that adjoins one and/or two storey housing shall be no more than two storeys in height unless a separation distance of 35 metres or greater is required. This standard presents difficulties when trying to provide appropriate design responses within small infill sites and is not in accordance with the implementation of national guidance which seeks to increase residential density in urban locations and to consolidate settlements. Furthermore, national guidance as set out in the Urban Development and Building Heights – Guidelines for Planning Authorities (2018) and the Design Standards for New Apartments Guidelines for Planning Authorities, (2020), recommends that developments are assessed on performance-based criteria rather than on blanket standards.

7.5.27. Additional concerns raised by the PA and third parties include the landscaping and public lighting proposals for the site. Reference was made to the wholesale clearance of vegetation from the site. A landscaping plan was submitted with the application. Given, the layout of the site there is little opportunity for significant boundary planting in the form of native hedgerows. However, there is an opportunity for planting to be enhanced to the front of the site and surrounding the communal open space to the front. Should planning permission be granted for the development, I recommend that additional native planting be included in the landscaping plan and that the full details shall be agreed with the PA prior to the commencement of development.

7.5.28. Drawings submitted with the application show the proposed location of public lighting within the site and at points to the rear of No's 1 and 2 Walnut Avenue. These lights are referenced as 'Low-level Post Top Luminaire'. A detailed lighting design has not been submitted with the application and the report of the Roads Department requires that a Public Lighting Scheme be agreed with the PA prior to the commencement of development. Section 11.6.3 of the Development Plan states that public lighting should be designed so as to avoid light spillage, the creation of glare or the emission of light above a horizontal plane. If planning permission is granted for the development the finer details will be submitted to the PA for approval.

7.6. Traffic

- 7.6.1. The issue of traffic from the development is not included in the reasons for refusal and as such it does not form the grounds of appeal. Concerns were raised by third parties regarding the impact of the proposal on the current levels of traffic within the area. The proposed development would have twelve car parking spaces, which is two less than the maximum amount for the development proposal as set out in Table 11.24 of the Development Plan. I am satisfied that the quantum of car parking spaces is in accordance with the Development Plan which provides 'maximum' standards and also allows for reduced parking standards for infill development, (Section 13.3.2).
- 7.6.2. A Traffic Technical Note was submitted with the application and states that, according to TRICS modelling, the proposed development would generate 5 trips in the AM peak and 6 trips in the PM peak, which would not be particularly onerous. I would agree that the scale of the proposal would not allow for any significant contribution to traffic levels within the area and the proximity of the site to public transport is also noted. The scale of the proposed development does not fall within the threshold for a Traffic and Transport Assessment as set out in Table 2.1 of the TII Traffic and Transport Assessment Guidelines and as such a Traffic and Transport Assessment, as per Section 11.4.5 of the Development Plan is not required.
- 7.6.3. The grounds of appeal state that the access arrangement for the site has been prepared with a shared surface arrangement with reference to the 'Homezone' concept in Section 4.4.2 of DMURS. I note that the drawings submitted with the application do not include the design detail for the carriageway. However, I am satisfied that a shared carriageway arrangement, as set out in Section 4.4.2 of DMURS, is an acceptable approach for a small infill development and that the design approach can be accommodated. I note that the Proposed Site Plan submitted with the appeal details the location of tactile paving to be installed at the entrance to the site and within the site as well as facilities for charging electric vehicles and the location of a reduced mobility space.

7.7. Drainage

7.7.1. The lack of SUDS measures for surface water drainage was included in the reasons for refusal by the PA and was addressed in the grounds of appeal. The applicant states that permeable paving will be used in the car parking spaces, which together with the proposed interception storage will prevent discharge from the majority of small intensity rainfall events. Water butts will be installed with the houses. Additional runoff and water from flood events will be collected and conveyed to an underground attenuation area of 43m³ which will be installed within the site. I am satisfied that the SUDS measures proposed for the site are acceptable within a site of its size and within an urban area.

7.7.2. The PA were of the opinion that the attenuation area was '*undersized by approximately 8% for a 1 in 30 year storm event and undersized by approximately 60% for a 1 in 100 year storm event*'. The calculations for the attenuation system were rechecked and the ground of appeal state the following:

- The previously proposed storm water network and attenuation package was modelled in hydraulic modelling package for the design and analysis of storm water drainage networks.
- The previously proposed storm water network and attenuation tank volume was checked for storms of 1 in 100 years return up to 5 days duration.
- A conservative approach was taken and the climate change factor, (CCF), used for this modelling, (set at 20%), exceeded the CCF used previously in manual calculations, (10%).
- All areas from the catchment were included in the calculations (0.103ha of total impervious areas and 0.72ha of landscaping including back gardens, factored by SPR runoff factor of 30%).
- The results of this analysis are included in the 'SW Network and Attenuation Analysis PL6' report included with the appeal.
- No ponding was identified during the analysis and the achieved water level in the attenuation system did not reach the high-water level in the proposed attenuation tank.

- Therefore, the proposed SW network and proposed attenuation storage volume have sufficient capacities to accommodate storms up to 1 in 100 years return with 20% CCF.

- 7.7.3. Section 11.6.1 of the Development Plan states that development proposals provide suitable drainage measures in compliance with the Greater Dublin Strategic Drainage Study (GDSDS) and Greater Dublin Regional Code of Practice for Drainage Works and that the maximum permitted surface water outflow from any new development should not exceed the existing situation. The surface water system proposed development seeks to mimic the behaviour of the existing site by attenuating surface water on site prior to discharging to the public drainage system. I note that the technical report submitted with the appeal found that the proposed system would not result in ponding at surface level and that the achieved water level in the attenuation system did not reach the high-water level in the proposed attenuation tank. I am satisfied that the surface water system proposed would be sufficient to deal with the surface water drainage within the site, which is located on a brownfield site within an urban area.
- 7.7.4. The site is located within Flood Zone C as per the SDCC Strategic Flood Risk Assessment for the Development Plan. Therefore, the site is not considered to be at risk from flooding.

7.8. **Appropriate Assessment**

- 7.8.1. A Stage 1 Screening statement was prepared for the application and concluded that *‘Having regard to the nature, scale and location of the development at Suncroft House, it would not be likely to have a significant effect on any European site, individually or in combination with other plans and projects’*.
- 7.8.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.8.3. The proposed development is for the demolition of an existing single storey house and the removal of a septic tanks system and the construction of 4 houses and 5 apartments in two blocks. The development would have 12 car parking spaces and would be connected to the mains water and wastewater services.
- 7.8.4. 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). 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 in view of the conservation objectives of those sites.
- 7.8.5. The closest European sites are the Glenasmole Valley SAC, (Site code, 001209), which is approximately 7km to the south of the site and the Wicklow Mountains SAC (Site code 002122), which is approximately 8.5km from the site. There is no direct or indirect hydrological link or pathway between the subject site and the European sites.
- 7.8.6. Dublin Bay (and the Natura sites of South Dublin Bay and River Tolka Estuary SPA, Ref. 004024, South Dublin Bay SAC, Ref. 000210), is located approximately 11km to the east of the site. There is no direct hydrological connection from the site to Dublin Bay. There is a weak and indirect connection through the discharge of surface water from the site to the surrounding environment which could flow to the Robinhood River, (Coolfan River), which is located approximately 400m to the north of the site. However, there are no watercourses on the site which discharge directly to the river and the site is located within an urban area where surface water will discharge to the public surface water system in Ballymount Road.
- 7.8.7. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site, and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the proposed development subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed residential development on a brownfield site with 'Residential' and 'Open Space' zoning objectives, it is considered that the proposed development is in accordance with the provisions of the South Dublin County Council Development Plan 2016 to 2022, the Design Standards for New Apartments, (2018) and the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009. It is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd day of March 2021 and, by the further plans and particulars received by An Bord Pleanála on the 14th day of June 2021 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to the commencement of any development on site, the development shall be amended as follows and shall be agreed in writing with the Local Authority:</p> <ul style="list-style-type: none"> - House No. 1, located on the south-western corner of the development, shall be omitted from the scheme and the layout for the remainder of the terrace shall be amended accordingly. -The flat roof profile above the circulation area in the apartment building shall be amended to provide a roof profile that provides a better visual connection between both buildings. <p>Reason: In the interest of proper planning and existing residential development.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>

	Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.
6.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>Reason: In order to ensure a proper standard of development.</p>
7.	<p>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 and shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape</p>

	<p>Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
10.	<p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p>Reason: In the interest of the amenities of the occupants of the proposed housing</p>
11.	<p>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.</p> <p>Reason: In the interest of sustainable waste management</p>
12.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining</p>

	<p>public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
13.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: In the interest of amenity and public safety.</p>
15.	<p>The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the residential amenities of adjacent dwellings.</p>
16.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
17.	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
18.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. 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.</p> <p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>

Elaine Sullivan
Planning Inspector

25th April 2022

