



An
Bord
Pleanála

Inspector's Report ABP-310998-21

Development	9 Residential Units in 2 blocks, with gardens at ground level, two 3 bed apartments with balconies, and one 3 bed apartment with balcony.
Location	Parson's Court, Ballynakelly, Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0312
Applicant(s)	Ronview Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Andrew McGinley.
Observer(s)	Parsons Court Management.
Date of Site Inspection	11 th March 2022.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is located within the development boundary of Newcastle Village in a rural part of County Dublin c16km southeast of Dublin City Centre, close to the Dublin / Kildare border. Newcastle Mainstreet links the N4 at Lucan to the N7 at Rathcoole and Saggart via the R120 Regional Road.
- 1.2. The subject is situated within the established residential cul-de-sac of Parson's Court. Parson's Court comprises 30no 2 bed apartments set out in 5no 3 storey staggered terraced blocks that front onto the main street (R120) and 16no 5 bedroom 2 ½ storey dwellings. Existing residential units are arranged around a central green area, with additional children's play area located to the east of the development. Access to both Parson's Court and appeal site is gained from main street, (R120) to the northeast.
- 1.3. The subject site has a stated area of 0.12ha and is located to the northwest corner of Parsons Court, c35m to the west of the entrance. The site comprises an area of undeveloped land that is currently surrounded by hoarding and an area currently occupied by a communal waste storage building serving Parsons Court. The area of undeveloped land has become overgrown and contains some waste construction materials and rubbish.
- 1.4. The site is bounded by Burgage Green/Burgage Crescent to the west and by a row of 2 storey semi-detached units to the north. It is fully serviced with footpath and parking extending along its eastern boundary.

2.0 Proposed Development

- 2.1. The development, as originally presented to the planning authority, consists of proposals for the construction of 9no. residential units (with a total floor area of 1025.6sq.m.), distributed in 2 blocks, three-stories in height reducing to 2 storey toward the northeast corner.

Block A comprises 4no 3-bed duplex apartments with private rear gardens at ground level, and 2 3-bed apartments at second floor level with private balconies. Block A is orientated to face east towards the existing green area within Parson's Court.

Block B, comprising two three bed duplex apartments with private rear gardens at ground level, and one three bed apartment at second floor level with private balcony, is orientated to face north towards adjoining residential property.

The proposal provides for a new pedestrian access between Parson's Court and Burgage Green to the west.

- 2.2. Following a request for further information the proposed development was revised to 8no. residential units in two blocks comprising:

Block A - a two and a half storey block, comprising 6no ground floor duplex apartments and two second floor apartments.

Block B – two, two-storey semi-detached units.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. South Dublin County Council, by order dated 8th July 2021 issued a decision to grant permission for the development as amended subject to 27 conditions, The conditions are generally standard, the most relevant conditions to this appeal are as follows:

Condition 6: Requirement to provide for electric charging points – 10% of spaces

Condition 11: Requirement to provide for pedestrian link between Parsons Court and Burgage Court

Condition 18: Requires that a suitable location for the storage of refuse be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

Conditions 20 &21: Taking in charge

Condition 26: Financial Contributions

Condition 27: Security

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report: February 2021:

- They consider infill residential development to be acceptable in this area,
- They consider that the proposed density would at 75units /ha, contravene the density standards for the area as set out in the Newcastle LAP (25-30units/ha)
- They raise concerns regarding the three storey height of the development and how it relates to adjoining properties.
- They raise concerns regarding the potential impact of the development on adjoining properties particularly in terms of overlooking and overshadowing
- They note the proposed development is generally consistent with, and in some cases exceeds, the National and CDP Development standards. (Apartment Guidelines Etc)
- They consider the lack of private communal areas acceptable in this case having regard to the quality and quantum of private open space provided.
- They note that no public open space is proposed to serve this development
- They raise concerns regarding the scale and location of bin storage
- They consider it necessary for the applicant to establish that existing dwellings have sufficient car parking spaces and that the current proposal will have no impact on the car parking provision in the area
- They note the need for electric charging points
- They note the issues raised in the interdepartmental reports received
- In the absence of a Bat Report the applicant should be requested to submit a Bat Roost Potential Survey.
- Following AA Screening they consider that the development would not be likely to have a significant effect individually or in combination with other plans

or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

- The need for EIS is excluded however they note the potential of the site to support Bat Species and the need for appropriate mitigation in this regard.
- They request further information to address the issues raised in the report.

Final Planners Report (July 2021)

- They note the revised proposals submitted which include for a reduction in the number of units proposed from 9 to 8 and subsequent reduction in density from 75units / ha to 67units /ha which while exceeding LAP standards, when considered as part of the wider development is acceptable
- They note the revised design proposals which include a reduction in height which they consider to be acceptable
- They note the shadow analysis submitted the results of which they consider acceptable
- They consider the design solutions to reduce the potential for overlooking to be acceptable
- They note the bat and landscape/ecologist report submitted however they consider that enhancement of the commuting opportunities for bats should be introduced and implemented into the design
- They consider that a pedestrian connection between the site and the lands to the west is required to ensure adequate access to public open space
- They consider it unfortunate that modifications to the location of the bin storage building have not been proposed however they welcome proposals for screen planting.
- They note the comments and recommendations in the reports received
- They consider parking proposals to be acceptable
- They consider the applicants response to the request for additional information to be acceptable and they recommend that permission be granted

3.2.2. Other Technical Reports

- Water Services:

January 2021 Requests Further Information in relation to flood risk and drainage

- Roads Department:

January 2021 Requests Further Information in relation car and bicycle parking and public lighting

July 2021 Recommends that permission be granted subject to condition regarding public lighting and the provision of electric vehicle charging points

- Parks Department: Requests Further Information

- HSE Environmental Health Officer: No objection subject to conditions

3.3. Prescribed Bodies

- Department of Defence: no objections raised. They note proximity of the site to Casement Aerodrome and that the area may be subject to noise from aircraft. Request advance notification regarding use of cranes on site

- Department of Tourism, Culture & Gaeltacht etc: No objection subject to conditions

- Irish Water:

12/01/2021: Requests Further Information in relation to water and drainage layout etc

29/06/2021 No objection subject to condition

3.4. Third Party Observations

3.4.1. The planning authority received a number of submissions during the course of their determination of this application. These submissions have been grouped and are summarised below:

Density and Design

- The density / scale of development is excessive and out of character with the area
- The height, design and materials of the proposed development does not complement existing properties
- The development is non-compliant with CDP / Newcastle Local Plan

Parking / Traffic

- Inadequate parking facilities proposed
- Existing parking is at capacity.
- Existing parking provision is under the control of a management company and allocated to existing properties
- No charging for electric cars provided.
- Additional traffic will place pressure on the existing access road to the estate and will cause safety issues.
- Poor local public transport provision, and lack of cycle facilities.
- No visitor parking.

Residential Amenity:

- Overlooking of adjoining properties from windows / balconies
- Loss of light
- Disruption during construction
- Impact on quality of life for existing residents.
- Depreciation of value of existing properties.

Other

- Part 23 of planning application form (re: Taking in Charge) not completed.
- The proposed pedestrian link between Parson's court and Burgage Green will lead to anti-social behaviour and is not necessary. Parson's Court should be retained as a cul-de-sac

- Bins storage issues and lack of facilities-already at capacity with existing residents.
- Current proposal does not accord with pervious permission on site
- Limited green spaces - Proposed development has no right to use existing open space provision.

4.0 Planning History

- 4.1. SD04A/0953: Permission granted (2005) for the Demolition of 4 no. existing single storey cottages and construction of 46 no. dwelling units consisting of 30 no. 2 bed apartments;16 no. 2 storey (with converted attic space) 5 bed dwellings on site of 1.03 hectares.

Condition 2

- (a) The proposed development shall be limited to 46 dwellings in total*
- (b) The proposed structure containing the gymnasium and three number 3 bed apartments numbered 31,32 and 33 to the northwest of the site, shall be omitted from the proposed development. This area shall be subject to a separate planning application.*

REASON: In the interests of the proper planning and sustainable development of the area and to facilitate future linkages to adjoining lands and integration as required by the Newcastle Lyons Local Area Plan 2003

Condition 18 – provision of adequate bin and cycle storage facilities

- 4.2. SD07A/0579: Permission granted (2008) for 7no apartments (6 no. 2 bed and 1no. 3 bed) in one, two / three storey block, following on from condition no. 2 of Reg. Ref. SD04A/0953.
- 4.3. SD06A/1100: Permission refused (2007) (Following on from Condition No. 2 of Reg. Ref. SD04A/0953) 10 no. 2 bed apartments in one three storey block (incorporating part roof gardens). Permission refused for the following reasons: failure to facilitate future linkages to adjoining lands; overdevelopment of the site; impact on adjoining property (loss of light, privacy), out-of-character; sub-standard amenity space; excessive car parking on site.

- 4.4. SD06A/1099: Permission granted (2007) for revised house type to include dormer window to front and minor alterations to dwellings (16 in total), at sites 31-46 inclusive and all associated site works from previous Reg. Ref. SD04A/0953.
- 4.5. ABP305040-19: Notice of entry on Vacant Site Register. Decision: Confirm

5.0 Policy Context

5.1. National Policy

5.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 supports compact growth, and seeks to make better use of existing underutilised, serviced lands within built-up areas. The framework targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impacts of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.1.3. Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

5.2. **South Dublin Development Plan 2016-2022**

5.2.1. The settlement strategy recognises Newcastle as a Small Town. These towns are largely within the Hinterland areas and yield a population of 1,500-5,000 persons. Levels of growth should respond to local demand and be managed in line with the ability of local services to cater for such growth.

5.2.2. **Zoning:** The subject site is subject to zoning objective RES N – “*To provide for new residential communities in accordance with approved area plans*”. Residential development is permitted in principle within the RES N Zone

5.2.3. The relevant policies and objectives of the plan are set out below:

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H8 Residential Densities

It is the policy of the Council 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.

Policy H11 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 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.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

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.

Section 6.3.0 Walking and Cycling

TM3 Objective 2: To ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas in order to maximise access to local shops, schools, public transport services and other amenities, while seeking to minimise opportunities for anti-social behaviour and respecting the wishes of local communities.

Section 6.4.4 Car Parking

Policy TM7 Car Parking: It is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation

TM7 Objective 1: To carefully consider the number of parking spaces provided to service the needs of new development.

Section 11.3.1 Residential (Land Uses)

(iii) Public Open space / Children’s Play

In areas that are designated Zoning Objective RES-N all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space;

(iv) Dwelling standards - Development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in Table 11.20.

Extract Table 11.20

Type of Unit	Houses	Private Open Space
Three-bedroom	92sqm	60sqm

Section 11.3.2 (i) Infill Sites

Infill Sites Development on infill sites should meet the following criteria:

- Be guided by 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. Larger sites will have more flexibility to define an independent character.
- 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).

- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students.

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. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

Section 11.4.1 Bicycle Parking Standards

Minimum Bicycle Parking Rates: Residential Apartment: 1 per 5 apartments (long term); 1 per 10 apartments (short term)

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Dwelling Type	No. of Bedrooms	Standard
Apartment/Duplex	1	1
	2	1.25
	3+	1.5
House	1	1
	2	1.5
	3+	2

The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to various criteria outlined in the plan:

Section 11.4.3 Car Parking for Electric Vehicles

To facilitate the use of electrically operated cars and bicycles in line with National Policy, all developments shall provide facilities 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.

Section 11.6.5 Waste Management

(ii) Design & Siting of Refuse Storage & Recycling Facilities in Developments The following criteria will be considered in the assessment of the design and siting of waste facilities and bring facilities:

- The location and design of any refuse storage or recycling facility should ensure that it is easily accessible both for residents and/or public and for bin collection, be insect and vermin proofed, will not present an odour problem, and will not significantly detract from the residential amenities of adjacent property or future occupants,
- Provision for the storage and collection of waste materials shall be in accordance with the guidelines for waste storage facilities in the relevant Regional Waste Management Plan and the design considerations contained in Section 4.8 and 4.9 of the DECLG Design Standards for New Apartments (2015). Refuse storage for houses should be externally located, concealed/covered and adequate to cater for the size and number of bins normally allocated to a household. For terraced houses the most appropriate area for bins to be stored is to the front of the house, which should be located in well-designed enclosures that do not detract from visual amenity, and
- Access to private waste storage in residential schemes should be restricted to residents only.

5.3. Newcastle Local Area Plan 2012.

5.3.1. The application site is located within the development boundary of the Newcastle Local Area Plan 2012 (extended by South Dublin County Council in 2017) and is identified as being within Neighbourhood 10: Ballynakelly/Newcastle Manor

5.3.2. Section 6.0 Neighbourhoods

It is an objective of this Local Area Plan to:

- Require planning applications for any building(s), street(s) or space(s) to be accompanied by a masterplan layout drawing that details how the proposed building(s), streets(s) or space(s) fits within the framework for the neighbourhood to which they relate in terms of accessibility and movement; integration of development; density and land use; green infrastructure and built form. These framework elements can be varied in terms of precise location and design provided that they conform to the principles and guidance set out in this Local Area Plan. Existing utilities should be accommodated between blocks and under streets. (Objective N1)
- Ensure that each neighbourhood is developed with open ended and integrated pedestrian and cycle routes that link with Main Street and adjacent neighbourhoods. (Objective N2).

5.3.3. Section 6.12 Neighbourhood 10: Ballynakelly/Newcastle Manor

<i>Ballynakelly/Newcastle Manor</i>	
Gross Area	17.8ha
Net Area	0.18ha (excluding existing development)
Land Use Type	Residential and Local Centre
Residential Density	25-30 dwellings per ha on infill sites
Estimated Yield	Circa 50 dwellings
Dwelling Type	Semi-detached and terraced housing on infill sites. Apartments/duplexes at Local Centre
Building Height	2-3 storeys
Street Type	Arterial street, link street, access streets
Public Open Space	Local Centre Park
Car Parking	In-curtilage and on-street for infill housing
Special Character Features	Completion of Local Centre and opportunity for infill development on remaining sites in Ballynakelly

5.3.4. **Section 6.12.4 Built Form**

It is an objective of the Local Area Plan that: • Development on infill sites shall take the form of 2 storey terraced housing with opportunity for semi-detached housing on backlands. Revised applications or extensions or duration of permission for

apartments/duplexes on the Local Centre site shall comply with the relevant standards including those contained within Section 7 of this Plan. (Objective BNM3

5.4. Natural Heritage Designations

The closest European sites to the appeal site are the Glenasmole Valley SAC located c.9km to the southeast and the Rye Water Valley / Carton SAC located c.8km to the north of the appeal site at the closest point.

5.5. EIA Screening

- 5.5.1. Having regard to the scale of the proposed development comprising only 9 no. houses and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, submitted in the name of Andrew McGinley, a resident of Parson's Court, against the decision of the planning authority to grant permission for the proposed residential infill development at Parson's Court, Ballynakelly, Newcastle. The following is a summary of the issues raised in the grounds of appeal:

- The proposed development contravenes the original planning permission on the site in terms of car parking spaces and management of communal areas (open space / bin stage), which the applicant has not shown to have any rights over.
 - Car parking - As per purchase agreements, householders are entitled to the use of two car parking spaces and apartment owners have one

space. Car parking is currently at capacity and an additional 9 units with a requirement for 13 spaces would make the existing situation intolerable.

- Waste storage - Lack of proposed facilities for waste and recyclables. Existing facilities within Parsons Court are not fit for purpose
- Public Open space - the existing green area and play space are semi-private amenities under the control of the management company
- Overdevelopment of the site – the density of development does not accord with the prevailing pattern of development in the area and the site at less than 0.5ha is too small to establish a separate density
- Design - The development is out of character with the height and design of adjoining properties and would appear disjointed and overbearing. The proposal does not accord with the objectives or development guidelines for the area as set out in
- The proposed laneway / access to adjoining lands is unnecessary and would lead to anti-social behaviour in the Newcastle Local Area Plan and best practice guidance.
- The applicants failed to complete Part 23 of planning application form.

6.2. Applicant Response:

- Parsons Court was developed c2008. The applicant was the developer for the site and later sold a portion of the development under an agreement in 2013.
- The applicant's submission supports the design proposal.
- They consider having regard to the planning history of the site and its association with the established Parson's Court development etc that it is reasonable for density to be calculated on a cumulative basis for the entire scheme. They consider the appeal site to be an appropriate location for higher density.
- They refer to the planning history of the site and development plan policy (current and previous) which they consider supports the proposed pedestrian link between Parson's Court and Burgage Green. They consider that the

proposed link will provide increased permeability and convenience between estates for pedestrians

- They consider that the provision of bin storage to the front of each proposed unit circumvents any requirement the development may have had on the capacity of the existing waste storage chamber.
- In relation to parking they note that the current proposal would restore the 80no spaces proposed under SD04A/0953. They refer to purchase agreements which they state show that 62 of the existing spaces within Parson's court have been allocated to the existing development. They state that the remaining spaces (15 spaces) are in the control of the applicant
- In relation to open space, they state that the landscape proposal provides 22% of the communal amenity open space (C268sqm). In reflection the requirement for public open space have been met and have redacted the previous claim that proposed residents could avail of existing amenities of Parson's court.

6.3. **Planning Authority Response**

In their response to the grounds of appeal the planning authority confirms its decision and states that the issues raised in the appeal have been covered in the planners' reports.

6.4. **Observations**

An observation has been received on behalf of Parson's Court Management CLG; the issues raised are as follows:

- This is a private development, and all public aspects are under the control of Parson's Court Management CLG and funded by way of an annual service charge which all owners contribute to annually to cover costs including: communal waste management; insurance, fees, janitorial and landscaping, electricity and alarms, parking permit management and repairs and maintenance etc

- The proposed units would require being part of the existing management company and should contribute to the annual budget for the complex in order to have use of the amenities
- Parking is at capacity and operates under a permit system – vehicles without a permit are clamped
- The new build will take away existing parking and affect current private bin store which is at capacity

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional / national policies and guidance, I consider the main issues in this appeal are as follows:

- Density, Design and Layout
- Parking
- Pedestrian Link
- Waste Storage
- Public Open Space
- Other
- Appropriate Assessment

7.2. Density, Design and Layout:

7.2.1. The appeal site occupies lands within Parsons Court, an established residential cul-de-sac to the southwest of Newcastle Village. As set out in the grounds of appeal and the submissions received, third parties are concerned that the proposed residential scheme would not, due to its density and design etc, accord with the prevailing pattern and character of development within Parson's Court and that it

would be contrary to development guidelines for the area as set out in the Newcastle Local Area Plan.

- 7.2.2. With respect to density, the applicants in their response to the grounds of appeal refer to the planning history of the site and its association with the existing developed lands within Parson's Court. They consider that density should be considered on a cumulative basis across the entire scheme and that the higher density of development proposed is suitably located within the scheme (due to its proximity to the village centre etc) and that it would provide for a clear transition between the neighbouring developments.
- 7.2.3. As per the Newcastle Local Area Plan 2012-2022, The appeal site is located within Neighbourhood 10: Ballynakelly / Newcastle Manor, the objectives for this area provide for a residential density of 25-30 units / hectare on infill sites. The proposed development as amended comprises the construction 8no residential units on a site area of 0.12ha. This would equate to a density of 67units / hectare which would far exceed the density of development envisaged for these lands. Notwithstanding, I note the small scale of the development proposed and its location within an established residential area, within a short walking distance of the village centre and I am cognisant of the need to ensure the efficient use of zoned and serviced lands and the aims of the National Planning Framework: 'Project Ireland 2040' which seeks to secure more compact and sustainable urban growth as is expressed in National Policy Objective 35 which aims to increase residential density in settlements, through a range of measures including infill development schemes.
- 7.2.4. In light of the above and having regard to County Development Plan Policy H8 which seeks to promote higher density development at appropriate locations, I consider that it would be reasonable in this instance to consider the density of development proposed in the context of its surroundings and how it would "fit" with the established pattern and character of the site. In this context and having regard to the planning history and infill nature of the site I would agree with the applicant's opinion that density should be considered on a cumulative basis across the entire scheme.

- 7.2.5. Parson's Court currently comprises 46no dwelling units on an overall site area of 1.03ha, the density of development would therefore equate to c46units /ha, however, I note that if you exclude the 0.12ha of land associated with the appeal site (lands which are currently undeveloped / underutilised), the density of the existing development within Parson's Court would increase to c51units /hectare (46no units on a site area of 0.91ha).
- 7.2.6. The proposed development would result in increase in the number of residential units within Parson's Court from 46units to 54units which on an overall site area of 1.03ha would equate to a density of c52units / hectare. Therefore, whilst I acknowledged that the density of development proposed would far exceed the density of development envisaged for these lands in the Newcastle LAP, I do not consider that it would be significantly out of keeping with the prevailing pattern or density of development in the area.
- 7.2.7. Having regard to the above, and having regard to the limited size and configuration of the subject site, the planning history of the site and its relationship with the established residential development of Parson's Court, I am satisfied that the density proposed is appropriate to the site context and that it achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to ensure the efficient use of zoned and serviced lands.

Design and Layout

- 7.2.8. The appeal site is located within Neighbourhood 10: Ballynekelly/Newcastle Manor, a predominantly residential area, to the southeast of Newcastle Village. Residential development in this area comprises a mix of house type and format, in a variety of architectural styles. The site itself occupies lands within Parsons Court, a residential cul-de-sac comprising a mix of 2 bed apartments set out in 5no 3 storey terraced blocks that front onto the main street (R120) and 5 bedroom 2 ½ storey terraced houses arranged in a horseshoe configuration and fronting onto a central area of public open space. The architectural style is that of a typical sub-urban housing

development, incorporating design features such as pitched tiled roofs, front gables, and dormer windows. External finishes comprise a mix of brick and render.

The proposed development (as amended) comprises 8no residential units in two blocks. Block A, a two and a half storey structure containing 6no duplex / apartment units, is located to the north (side) of a row of terraced houses within Parsons Court. The notable design features/characteristics of Block A include box style eave dormers, rooflights which span across the ridge (resembling chimneys) and the use of zinc as an external roof finish. Block A is set back from the building line established by the adjoining terraced houses; the additional space to the front of the structure is utilised to facilitate access to and bin storage for the proposed units. Landscaping has also been utilised to provide enhanced privacy for future residents. In accordance with the details submitted in support of the application, the setback *creates a less dominant appearance and provides visual relief between the existing and proposed development.* The ridge height of this structure is comparable to that of existing terraced units to the south. The design of the proposed duplex / apartment units would appear to accord with the standards set out in 'Design Standards for New Apartments', in terms of target gross floor area, minimum main living room, aggregate living room, aggregate bedroom area, individual bedroom floorspaces, storage and room widths.

7.2.9. Block B, comprising two, two storey semi-detached dwellings, is located to the northwest of Block A and follows a similar design theme. These units are orientated to face north towards the rear garden area of an adjoining residential property. In this regard I note that the first-floor windows have been designed to incorporate obscure glazing and timber louver screens to mitigate the potential for overlooking; I am satisfied that these measures should be sufficient to ensure that the privacy of the adjoining property to the north is not significantly diminished. The two-storey design of Block B would in my opinion provide for a suitable height transition between the existing and proposed two and a half storey development within Parson's Court and the existing two storey dwellings on the adjoining property to the north.

7.2.10. I note that mass and form of the development proposed is similar to that of Parsons Court. The proposed design theme, by combining similar features of the existing

Parson's Court development, such as the pitch roofs and dormer windows with more modern styling and materials would, in my opinion, represent a more contemporary take on suburban style housing which, I consider would not detract from the overall character of the area. Whilst the materials and architectural treatment of the proposed development deviates somewhat from the existing housing within Parsons Court, I am satisfied that the proposal represents an appropriate design response given the site context, which is in keeping with the surrounding pattern of development and will not detract from the residential or visual amenities of neighbouring properties.

7.3. Parking

- 7.3.1. The existing residential units within Parson's Court currently benefit from 79no parking spaces. The applicant is proposing to provide 1no additional space on the clear way between spaces no5 and 6 which currently acts as a bin collection point. This would result in a total of 80no parking spaces to serve both the existing and proposed residential units (54 in total). The appellant is however concerned that this proposal would result in a loss of parking spaces for existing residents. As per the details submitted, existing parking spaces are under the control of a management company and are clearly marked and attributed to the existing dwellings. I note from site inspection that clamping is operational on site.
- 7.3.2. In relation to the issues raised in relation to parking provision for both the existing and proposed residential units with Parson's Court, I consider it relevant to refer in more detail to the planning history of site, in particular SD04A/0953 and SD07A/0579, a summary of which is outlined below.
- 7.3.3. Planning Register Reference SD04A0953 was submitted to South Dublin County Council in 2004. The proposal, as originally presented to the planning authority, comprised 53no residential units and 80no car parking spaces, equating to 1.5no parking spaces per/unit proposed. The application was later revised to comprise proposals for 49no residential units, a gym and 74no car parking spaces (1.5no parking spaces per/unit proposed). Permission for the revised scheme was ultimately

granted by the planning authority however condition 2 of the grant of permission omitted the proposed gym and three residential units. It should be noted that the gym and residential units omitted from the scheme were located on the lands associated with the appeal site and that the Condition 2 required that this area be subject to a separate planning application.

- 7.3.4. Subsequently, under a separate planning application (SD07A/0579), permission was granted for the construction of 7no apartments (on the lands associated with the appeal site) along with the provision of an additional 6no parking spaces within the scheme. The development permitted under Planning Register Reference SD04A0953 and SD07A/0579 therefore allowed for the construction of a total of 53no residential units and 80no car parking space (equating to 1.5spaces / unit permitted). Of that permitted only 46no. units were constructed along with 79no car parking space (1 space being allocated to provide access to the waste storage facility). The 7no apartments permitted under planning reference SD07A/0579 were not constructed and the area left vacant save for the construction of the waste storage facility. The proposed development relates to these lands.
- 7.3.5. It would appear from the details submitted both in the grounds of appeal and the applicant's response to the grounds of appeal, that property owners within Parson's Court are entitled (as per their purchase agreement) to the use of 2no. car parking spaces per dwelling and 1no. parking space per apartment. This would equate a total of 62no spaces within the scheme being allocated to existing properties. Of the additional 17no spaces currently available, 2 are dedicated spaces. The applicants contend that they control the remaining 15no spaces.
- 7.3.6. As per the standards set out in the County Development Plan the proposed residential scheme of 8no units would require 13no parking spaces. I am satisfied based on the planning history of the site and information available, that existing parking facilities within Parson's Court were designed to cater for the development of the overall landholding and therefore, that there is sufficient parking available within the scheme to cater for both existing and proposed residential units. While I accept that existing residents may have benefited from the use of the additional spaces available within the scheme over the years following construction, I do not think that

this would provide sufficient planning grounds to justify a refusal or redesign of the proposed scheme. Any legal issues arising regarding the use of existing spaces would in my opinion be a matter for the applicants and existing residents / management company.

7.4. Pedestrian Link

- 7.4.1. The proposed scheme includes for a pedestrian link between estates of Parson's Court and Ballynakelly Mews to the west of the development. The appellant however is of the opinion that this link is unnecessary and that it would lead to anti-social behaviour.
- 7.4.2. It is evident from the planning history associated with this site (as set out in section 4.0 above) that the development of these lands was intended to include for the provision of a pedestrian /cycle links to adjoining lands and I am satisfied that such a proposal would accord with current County Development Plan Policy, in particular TM3 Objective 2 which seeks to ensure that connectivity for pedestrians and cyclists is improved within existing areas to maximise access to local amenities.
- 7.4.3. The decision of the planning authority supports the provision of this pedestrian link however it would appear from their assessment that they were not satisfied that the applicants had fully demonstrated through connectivity between the development site and adjoining lands / amenities and I note that the plans submitted do not clearly show the proposed pedestrian route is to tie in with adjoining lands to the west. I am satisfied however that this issue can be addressed by way of condition.
- 7.4.4. In relation to anti-social behaviour, I am satisfied that all existing and proposed areas of public / communal open space including the proposed pedestrian link, would be adequately supervised by adjoining properties thus reducing the risk of anti-social behaviour within the scheme.

7.5. Waste Storage

- 7.5.1. Existing residential units within Parson's Court are currently served by a communal waste storage facility which is located within the grounds of the appeal site. This facility comprises a single storey flat roof building finished in brick. The building is divided into two 'rooms' each with separate access from the buildings south elevation. As per the details submitted each 'room' hold 6no 1100 litre bins (12 bins in total).
- 7.5.2. In accordance with the details submitted with the grounds of appeal the existing bin storage facility is at capacity and cannot accommodate the additional waste generated by the proposed development. I note however that the applicants have included as part of the revised scheme proposals for additional waste storage facilities to the front of each of the proposed residential units, such proposal should avoid a significant increase in demand on existing storage facilities.
- 7.5.3. I note that the applicants are proposing as part of this application to reconfigure the existing waste storage building. Works to the structure include proposals to relocate the entrance to the east elevation with bins flanking the length of the structure. The proposal would not reduce the waste storage capacity of the structure.
- 7.5.4. I am satisfied based on the information provided that the proposed development would not have a significant impact upon the capacity of the waste storage facilities serving the existing residents within Parsons Court and that adequate facilities can be provided to cater for the additional units proposed.

7.6. Public Open Space

- 7.6.1. As per county development plan policy, all new residential developments in areas designated Zoning Objective RES-N are required to incorporate a minimum of 14% of the total site area of land as public open space. Section 11.3.2 (i) of the County Development Plan, allows for a reduction in standards for open space in the case of infill development.
- 7.6.2. In accordance with the details submitted by the applicants in support of the application (in their response to the further information request), 0.16ha of public

open space is currently available within Parson's Court, this would equate to c15% of the total site area (1.03ha) inclusive of the application site. Having regard to the planning history of the site and its association with Parsons Court, I consider that the quantum of public open space currently available is sufficient to satisfy the public open space requirements of these lands.

- 7.6.3. The proposed scheme does provide for an additional c268sqm of open space. This area is designed to incorporate hard and soft landscaping, seating and bicycle storage facilities and would equate to c22% of the site area (0.12ha). While I do not consider that this area would (due to its design / layout etc) be suitable for active open space it would in my opinion, provide additional open space for passive recreation and would enhance the visual character and amenity of the area.
- 7.6.4. While no communal open space has been provided to serve the proposed duplex / apartment units I am satisfied that the quality and quantum of private open space dedicated to these units would be sufficient to ensure that an adequate level of residential amenity is available for future occupants.
- 7.6.5. The private amenity areas dedicated to the 2no semi-detached units within Block B fall short of the required standard of 60sqm of private open space for three-bedroom houses (as set out in Table 11.20 of the County Development Plan), I refer in particular to Unit 7 which is to be served by a rear garden area of only 25.6sqm. Notwithstanding, I am satisfied, having regard to the nature, scale and design of the proposed development, that it would provide for an adequate level of residential amenity for future occupants and as such I would not recommend that permission be refused on this basis.

7.7. Other:

7.7.1. *Parson's Court Management Company*

It would appear from the details submitted that all public area / communal facilities associated with the existing Parson's Court development, including communal waste management, parking facilities and landscaping are controlled by a private management company, that the applicant is not part of the management company

and that no agreement has been made with regard to future management of the development (existing and proposed).

While I note the issues raised, I am satisfied having regard to the assessment and conclusions set out above, that the proposed residential scheme will be adequately served in terms of parking provision, open-space and waste storage and that such and that the proposed scheme would not have a significant negative impact upon the amenities of existing properties, and I consider this sufficient in terms of the assessment of this planning application. While I would recommend that appropriate measures be put in place to ensure the satisfactory long-term management / maintenance of the scheme (this may be addressed by way of condition) I consider that any agreement with the existing management company would be a matter for the applicants, existing / future residents, and the management company and not a matter for the Board.

7.7.2. *Procedural*

As noted in the grounds of appeal, the applicants failed to complete Part 23 of planning application form, Part 23 relates to proposals for the taking in charge / maintenance of the development. I am satisfied however that the absence of this information did not prohibit or impede the assessment of this application and that this issue may be addressed by way of condition in the event that planning permission is recommended.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of the proposed development, its location on zoned and serviced lands and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed infill residential development, the planning history of the site and the established character and patten of development in the area and, the availability of car parking and public open space it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience and would accord with the objectives of the South Dublin County Council Development Plan 2016-2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application and received by the planning authority on the 30/11/2020 as amended by the revised plans and particulars received by the Planning Authority on 09/06/2021, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity

3.	<p>A minimum of 3no (three) of the communal parking spaces within Parson's Court shall be provided with functional electric charging points</p> <p>Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transport.</p>
4.	<p>The developer shall facilitate the provision of a new pedestrian access link between Parson's Court and existing pedestrian facilities within the adjoining development of Burgage Green.</p> <p>Reason: In the interests of residential amenity and permeability.</p>
5.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
7.	<p>All service cables associated with the proposed development 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>

8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, 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.</p> <p>Reason: In the interests of amenity and public safety.</p>
10.	<p>The site shall be landscaped in accordance with the Landscape Plan (Drawings 21_501-PDAI 01 to 09) as submitted to the Planning Authority on the 9th June 2021, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. All hard and soft landscape works, and planting shall be completed prior to occupation of the new residential units.</p> <p>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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority</p> <p>Reason: In the interests of residential and visual amenity</p>

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12.	<p>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 traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development</p>
14.	<p>Proposals for house naming and a 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
15.	<p>Prior to the commencement of any dwelling house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all</p>

	<p>houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and / affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
16.	<p>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.</p> <p>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.</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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
18.	<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 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>

Lucy Roche
 Planning Inspector

11th May 2022