



An
Bord
Pleanála

Inspector's Report ABP-311559-21

Development	Construction of 4 dwellings, 5 duplex units in a 2 storey block. Demolition of conservatory attached to Coolamber House and all ancillary works
Location	Coolamber, Stocking Lane, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0194
Applicant(s)	Matt and Lucia Barnes
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Matt and Lucia Barnes
Observer(s)	Ballyboden Tidy Towns
Date of Site Inspection	6 th January 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1.1. The subject site comprises part of the private open space / garden area associated with an existing residential property, Coolamber, which has an address at No. 3 Stocking Lane, Rathfarnham, Dublin 16, D16 V9H2.
- 1.1.2. Coolamber is a two-storey detached house on a relatively spacious site that is situated just south of Ballyboden in south County Dublin. The site is accessed via Stocking Lane (R115) to the west. Stocking Lane is a two-lane regional road (R115) that has a separate pedestrian and cycle path, elevated above the road, on its western side. It runs from the junction with Scholarstown Road (to the north) in a southerly direction until it meets the M50 Motorway.
- 1.1.3. The topography of the site slopes generally in an east (high ground) to west (lower ground) direction. There is mature vegetation along the east, west and south boundaries of the site and the appeal and house north (Coolamber) is well screened and generally shielded from public view. The site has an irregular shape which reflects the layout of the space given over to accommodate the proposed development, which is an infill residential scheme.
- 1.1.4. There is an earthen bank, deep hedgerow and mature trees situated on the western boundary of the site (i.e. its roadside boundary). North of the site is the residual piece of land associated with the house, Coolamber. There is green open space to the east and a further detached house, Saint Winnows (D16 H9R2), located directly south. Saint Winnows is also accessed from Stocking Lane.
- 1.1.5. The east side of Stocking Lane in this general area is characterised by detached dwellings on comparatively large plots. Recent residential development in the surrounding area mainly includes semi-detached and terrace houses, including the housing estates of Springvale, Prospect Avenue, Cypress Avenue, Scholarstown Wood, amongst others.
- 1.1.6. The Ballyboden Water Works plant is southwest of the site on the far side of Stocking Lane.
- 1.1.7. The Owendoher River is approximately 250m east of the site and runs parallel to the Edmondstown Road (R116) for a distance.
- 1.1.8. The site has a stated area of 0.21ha.

2.0 Proposed Development

2.1. The proposed development is an infill residential development comprising the construction of 9 no. dwellings in total, including:

- 3 no. three-bedroom, two-storey houses (approx. 116sqm each)
- 1 no. three-bedroom, two-storey house (approx. 96sqm)
- 5 no. duplex units in a two-storey block, consisting of 2 no. one-bedroom units and 2 no. two-bedroom units and 1 no. three-bedroom unit
- Demolition of the conservatory connected to Coolamber (14sqm)
- New vehicular access and associated site works

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on 7th September 2021, subject to 7 no. reasons, which can be summarised as follows.

The proposed development:

1. would be substandard in its provision of quality public open space, communal amenity space and quality private amenity space and contrary to the residential zoning of the site,
2. would result in significant overlooking of lands to the south which would negatively impact upon the development potential of these residentially zoned lands,
3. having regard to the siting, scale and proximity of House 4, relative to the existing dwelling ('Coolamber'), would have a negative impact on the residential amenity of 'Coolamber' by reason of overbearing, visual impact and visual intrusion,
4. has no real architectural style and would consist of a pastiche of various designs amalgamated together, that it would fail to integrate and respond to the site and its surrounding context and would, therefore, detract from the visual amenity and character of the area,

5. having regard to the lack of information submitted in relation to the proposed vehicular access for the site, the ability of vehicles (including emergency vehicles) to safely access and egress the site, and the lack of permeability, that the applicant had not demonstrated that the proposal would not generate a traffic hazard or endanger public safety,
6. have a detrimental impact on biodiversity and be contrary to policy HCL15 of the South Dublin County Council Development Plan (2016-2022), and result in a poor-quality landscape and environment, and
7. having regard to the lack of information submitted in relation to water that the proposed development would not be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The proposed development seeks to address the reasons for refusal issued by the An Bord Pleanála (ABP) in October 2020 regarding a previous application made on the site for a similar type of infill residential scheme (ABP Ref. ABP-306966-20).
- The revised proposal does not materially differ from previous refusal and the Board's reasons stated in relation to overdevelopment of the site and the resulting residential amenity and visual impacts have not been overcome.
- The main differences between the current proposal, and most recently refused application, concern the internal sizes of the houses, a reduction in the overall height of the apartment building and design changes to the overall layout of the proposal, including re-siting of residential units and amendments to the location, layout and quantum of communal and public open space.
- Several other matters require reassessment and additional information has been requested from various internal departments, including in relation to landscaping, drainage (SuDs), trees, access, bicycle parking, feasibility of connection to public services and ecology.
- Generally, this information would be sought as additional information, or by condition. However, in this case given the significant concerns raised on other aspects of the proposal, and the requirement for a major redesign, the use of

additional information, or conditions, is not considered suitable in this case.
The lack of information on the above matters, therefore, warrants a refusal.

3.2.2. **Other Technical Reports**

Environmental Health Officer: The proposed development is considered acceptable, subject to standard conditions, including limitations on site working hours and best practice measures to be employed during the construction phase.

Public Realm Department:

Requested further information, including the following:

- The proposed landscape plan lacks sufficient detail and is not acceptable.
- There are concerns regarding potential impact on the large, wooded area to the north of the site due to the proposed laying of a 225mm foul sewer from the site up the R115 to the foul connection point. The connection would be through the existing wooded area and adjacent to Brookwood Estate.
- Submission of a detailed tree and survey report and an Arboricultural Impact Assessment and Method Statement for the trees for the wooded area, which would be impacted by the proposed foul sewer line.
- There is a lack of SuDS measures for the proposed development. Natural SuDS features should be incorporated into the proposed drainage system.

Water Services: No objection. Recommended standard conditions in relation to surface water drainage, attenuation and separation of foul and surface water drainage.

Roads Section:

Requested further information, including the following:

- Proposed new access road is too small (5m wide) and should be 6m wide. Also, no details provided of how fire tenders or refuse vehicles would access the development.
- Details showing proposed pedestrian crossing, provision of a Taking in Charge map, and details of a cycle path linking the vehicle/pedestrian access to the proposed pedestrian crossing to the south.

3.3. Prescribed Bodies

Irish Water: Requested further information, including the following:

- Required a pre-connection enquiry to be submitted to Irish Water (IW) to determine the feasibility of connection to the public water, and wastewater infrastructure, to address concerns regarding the location of proposed surface and wastewater drainage sewers in proximity to existing watermains.
- Cross section drawing required to address concerns regarding the location of proposed surface and wastewater drainage sewers in proximity to existing watermains located in the footpath and road to the west of the site.
- All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.

3.4. Third Party Observations

The following main issues were raised in third party observations received by the Planning Authority:

- The proposed development contravenes the Development Plan, its policies and objectives, and the principles of proper planning.
- In the event permission is granted, a condition is requested requiring the disconnection of the shared septic tank between the subject site and Rookwood Lodge (house to the northeast), and that it be connected to the main foul and surface water connection. This would facilitate the removal of the septic tank and connection of both properties to the main system.
- Impacts on traffic transport and pedestrian safety.
- Removal of a hedgerow would be contrary to green infrastructure policies and the RES ('Residential') zoning that applies to the site.
- No archaeological report provided.
- Inadequate Bat report provided.
- The landscaping plan is of poor quality and lacking in detail. The development would required the removal of the majority of the trees from the site at a time of local and global biodiversity loss.

- The proposed development would represent a poor quality design, scale, density and layout.
- Inadequate recreational and open space
- Negative impact would be incurred due to surface water runoff.
- No EIA screening completed.
- Cumulative effect of proposal would be negative when considered with other pending development proposals in the area.
- No Road Safety Audit or Traffic Impact Assessment has been submitted.
- The previous reasons for refusal have not been addressed by the current proposal.

4.0 Planning History

Subject Site

ABP Ref. ABP-306966-20 (Reg. Ref. SD20A/0002): The Board refused permission in October 2020 for the construction of 4 no. houses and 5 no. apartments, vehicular access and associated site works for 3 no. reasons, including that (1) the proposed development would be substandard in its provision of quality public open space and quality communal amenity space and would seriously injure the amenities of future occupants, (2) having regard to the proximity of the three storey duplex/apartment block, 2.5m from the southern boundary, the proposed development would lead to significant overlooking of lands to the south and would negatively impact upon the development potential of these residentially zoned lands, and (3) having regard to the siting and orientation of proposed Units 3 and 4, and the scale and proximity of these units relative to the existing dwelling 'Coolamber', the proposed development would have a negative impact on the residential amenity of 'Coolamber' by reason of overlooking, overbearing, visual impact and visual intrusion.

ABP Ref. ABP-304458-19 (Reg. Ref. SD19A/0058): The Board refused permission in September 2019 for the for the construction of 4 no. houses and 5 no. apartments for 2 no. reasons, including that (1) having regard to the siting and orientation of proposed Units 3 and 4, and the scale and proximity of these units, relative to the existing adjoining dwelling 'Coolamber', the proposed development would constitute

overdevelopment of the site and have a negative impact on the amenity of future occupants of 'Coolamber' by reason of overlooking, overbearing visual impact and visual intrusion and (2) the location of and access to the area of public open space at the southern end of the site is such that it would result in a sub standard layout and level of residential amenity by virtue of being poorly supervised with a poor distinction between public and private areas and inadequate integration into the overall development.

Surrounding Area

Site to the south and east of the subject site.

ABP Ref. ABP-311616-21: Strategic Housing Development – Application. In February 2022, the Board granted permission for the construction of 131 no. residential units (21 no. houses, 110 no. apartments), creche and associated site works.

ABP Ref. ABP-308763-20: Strategic Housing Development – Application. In March 2021, the Board refused permission for the construction of 131 no. residential units (21 no. houses, 110 no. apartments), creche and associated site works.

ABP Ref. ABP-305712-19: Strategic Housing Development – Consultation. In December 2019, the Board issued an opinion for 108 no. residential units (28 no. houses and 80 no. apartments), creche and associated site works on lands to the south of the application site. The opinion determined the proposal required further consideration/amendment.

Reg. Ref. SD18A/0225: The Planning Authority refused permission in August 2018 for the construction of three apartment blocks of two and three storeys in height providing a total of 46 no. apartments for 8 no. reasons, including that the proposed development was of poor standard of residential layout, had inadequate open space, non-compliance with DMURS, inadequate surface water details, poor standards of single aspect units, was of inappropriate design, failed to meet minimum house unit sizes and inadequate landscaping proposals.

Site to the west of the appeal site and Stocking Lane (and north of Ballyboden Waterworks)

ABP Ref. ABP-303290 (Reg. Ref. SD18A/0369): The Board granted permission in April 2019 for the reconfiguration and extension of an existing apartment block permitted under ABP Ref. PL.06S.244732 (Reg. Ref. SD15A/0017).

Reg. Ref. SD16A/0384: The Planning Authority granted permission in January 2017 for modifications to the residential development permitted under ABP Ref. PL.06S.244732 (Reg. Ref. SD15A/0017) resulting in the creation of an 8 no. dwelling terrace, in place of 2 4 no. dwelling terraces and alterations to the siting of unit nos. 62-65 and associated changes to car parking spaces.

ABP Ref. PL.06S.244732 (Reg. Ref. SD15A/0017): The Board granted permission in August 2015 for the construction of 247 houses, 70 apartments, crèche and all associated site works.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

Zoning

The subject site is zoned 'RES – Existing Residential' under the *South Dublin County Development Plan 2016-2022* ('Development Plan'), which seeks 'to protect and/or improve residential amenity'.

Residential is listed as Permitted in Principle.

[Note: At the time of writing, the *South Dublin County Development Plan, 2022 – 2028* was due to come into effect by 6th August 2022.]

Roads Objective

Table 6.6 Medium to Long Term Road Objectives

Ballyboden Road/ Stocking Lane (R115): Upgrade of existing road. To enhance pedestrian and cycling facilities and exploit the tourist potential of the route.

Housing Policy

Section 2.3.0 relates to **quality of residential development**, and includes:

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.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 2.4.0 of the Development Plan relates to **residential consolidation - infill, backland, subdivision & corner sites**, and includes:

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 H9 Residential Building Heights

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Policy H17, Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Section 11.3.2 is in relation to **Residential Consolidation** and states that infill residential development can take many forms, including development on infill sites, corner or side garden sites, backland sites and institutional lands.

- Section (i) includes criteria on infill sites.
- Section (ii) includes criteria for infill sites on corner / side garden sites.
- Section (iii) includes criteria for infill development.

Section 11.9.0 is in relation to **Development Management Thresholds**.

Green Infrastructure Policy

Section 8.0 relates to **Green Infrastructure**, and includes:

G1 Objective 1

To establish a coherent, integrated and evolving Green Infrastructure network across South Dublin County with parks, open spaces, hedgerows, grasslands, protected areas, and rivers and streams forming the strategic links and to integrate the objectives of the Green Infrastructure Strategy throughout all relevant Council plans, such as Local Area Plans and other approved plans.

G2 Objective 6

To protect and enhance the County's hedgerow network, in particular hedgerows that form townland, parish and barony boundaries, and increase hedgerow coverage using locally native species.

Green Infrastructure (G) Policy 6 New Development in Urban Areas

It is the policy of the Council to support the protection and enhancement of Green Infrastructure in all new development in urban areas, to strengthen Green Infrastructure linkage across the wider urban network and to achieve the highest standards of living and working environments.

G6 Objective 1

To protect and enhance existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design process.

Section 9 Heritage, Conservation & Landscapes

Heritage, Conservation and Landscapes, Policy 15 Non-Designated Areas

It is the policy of the Council to protect and promote the conservation of biodiversity outside of designated areas and to ensure that species and habitats that are protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 are adequately protected.

5.2. National and Regional Planning Policy

- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007*
- *Sustainable Residential Development In Urban Areas – Guidelines for Planning Authorities, 2009*
- *Urban Design Manual: A Best practice Guide, 2009*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Design Manual for Urban Roads and Streets, 2019*

- *Sustainable Urban Housing: Design Standards for New Apartments, 2020*

5.3. Natural Heritage Designations

The site is not located in or close to any European sites.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, which is for 9 no. residential units and ancillary site works, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Applicant submitted a first party appeal on the 4th October 2021. The main grounds of appeal can be summarised as follows:

Response to Previous Board Refusal Decisions

- The proposed development has been designed to address the previous reasons for refusal issued by ABP for past proposals on the site.
- The proposed duplex block has been reorientated north – south, which enables the public open space to be along Stocking Lane and for it to link in with the future proposed development on the site to the south. The space is also overlooked by duplex units and houses.
- The impact of the previous design on Coolamber is noted. Therefore, the new proposal seeks to demolish the conservatory of Coolamber to avoid overlooking, visual impact, and visual intrusion, and to omit previous House No. 4 from the earlier application, which between Coolamber and Stocking Lane. The stepping down of roof levels and reduction in building height from three storeys to two storeys is also now proposed.

Response to Planning Authority's Refusal Decision

- The proposed communal open space is 100sqm where the requirement according to the Apartment Guidelines is 31sqm. The private open space for each house is in each rear garden and in accordance with the Development Plan standards. The public open space (POS) would be 210sqm and positioned along the western side of the site.
- The proposed duplex block is at an oblique angle to the adjoining site to the south and at an appropriate distance. Therefore, it would not impact on the development potential of these lands.
- House No. 4 is stepped down in scale from between House No. 3 and Coolamber, which addresses the Board's previous reason for refusal. The separation distance of 2.4m allows for two 1.2m wide access points, which is normal in suburban layouts.
- The Planning Authority's reason for refusal (No. 4) in relation to design is wholly subjective and not reflective of any issue raised by the Board in their previous refusal of the scheme.
- The proposed access via a separate entrance is appropriate and addresses sightlines and the future need for a footpath along the eastern side of Stocking Lane. The standard turning circle provides for reasonable emergency access.
- The proposed landscaping plan and planting schedule is extensive. It is not possible to retain the rural nature of the site in the context of an expanding city.
- The potential use of SuDS is limited due to the characteristics of the site and design proposed. However, SuDS measures are still proposed in the form of water butts, permeable paving, attenuation and flow control.
- Irish Water have provided a letter confirming connections to the IW network are feasible.

6.2. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

6.3. Observations

A single observation was received from Ballyboden Tidy Towns. The main issues raised reiterate the concerns raised in the third party observations lodged with the Planning Authority.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Zoning
- Size, Scale, Design and Layout; and Residential Amenity
- Traffic and Access, and Biodiversity
- Water and Wastewater
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The subject site is zoned Objective 'RES – Existing Residential' under the Development Plan, where the objective is to protect and /or improve residential amenity.
- 7.1.2. I note that residential land uses are listed as permitted in principle under this zoning objective and that there are several policies and objectives that support consolidation of residential sites, including such as this, for infill and backland development purposes. This is consistent with national and regional planning policy documents, such as the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES).
- 7.1.3. In my opinion, the development proposed would be consistent with the general aims of urban consolidation, as set out in Policy H17 (Objective 3) and Section 2.4.0 of the Development Plan, which favourably consider the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to meeting the appropriate safeguards and standards identified in Section 11 'Implementation'.

- 7.1.4. I also consider that the proposed development is consistent with Policy H8, which seeks 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.
- 7.1.5. In relation to the residential density, specifically, I note that the proposed scheme comprises 9 units on approximately 0.2ha. This provides a residential density of approx. 45 units per hectare. I consider this to be an acceptable density, having regard to the Sustainable Residential Developments in Urban Areas - Guidelines for Planning Authorities (2009), which recommends that 35-50 dwellings per ha should be provided for in outer suburban sites. Furthermore, planning policy at national, regional and local level seeks to encourage higher densities in appropriate locations, including on residentially zoned serviced lands.
- 7.1.6. Therefore, I consider the principle of an infill residential development on the site as acceptable, subject to compliance with the principles of proper planning and sustainable development and adherence to the applicable development management standards.

7.2. Size, Scale, Design, and Layout; and Residential Amenity

Provision of Open Space

- 7.2.1. The proposed development seeks to construct an infill residential development within the private amenity space / garden of the existing residential property associated with the house, 'Coolamber'.
- 7.2.2. The proposal comprises 9 no. dwellings in total, including 4 no. two-storey houses, 5 no. apartments in a two-storey block (consisting of 2 no. one-bedroom units and 2 no. two-bedroom units and 1 no. three-bedroom unit), a new vehicular access and associated site works. It is also proposed to demolish the existing conservatory of Coolamber, which is north of the proposed residential scheme.
- 7.2.3. The Planning Authority's reasons for refusal (Nos. 1 to 4) relate to substandard public open space, communal amenity space, and private amenity space; inappropriate overlooking of lands to the south; negative residential amenity impacts caused by proposed House No. 4 on the existing house, Coolamber; and that the proposed scheme has no real architectural style and is of poor architectural design,

which would fail to integrate and respond appropriately with the subject site and its surrounding context.

7.2.4. I note that a similar scheme was refused by the Board in October 2020, which comprised the construction of 4 no. houses and 5 no. apartments, new vehicular access and associated site works. Permission was refused for three reasons, which relate to issues concerning residential amenity, including that substandard public open space and communal amenity space is proposed, that the development potential of the residentially zoned site to the south would be negatively affected due to the proximity of the three storey duplex/apartment block from the shared (south boundary) at an offset of only 2.5m, and that the proposed development would have a negative impact on the residential amenity of 'Coolamber' by reason of overlooking, overbearing, visual impact and visual intrusion, particularly that caused by proposed Units 3 and 4.

7.2.5. The Applicant states that a specific design response has been prepared to address the previous shortcomings of the most recent (refused) application (ABP Ref. 306966-20). Having reviewed the plans and particulars accompanying the application, including the Proposed Site Layout (drwg. no. 2258-16), I can surmise that the principal design and layout changes incorporated as part of the current schematic are as follows:

- The proposed duplex block has been positioned on a general north – south axis, near the site's western boundary, in order to take account of the design and layout of a recently proposed residential development on the site directly south. (Note: The Board granted permission in February 2022 for the proposed development on the 'south site', which comprised the construction of 131 no. residential units, crèche and associated site works (ABP Ref. ABP-311616-21). The Applicant states that the block has been orientated at an oblique angle to the adjoining site and setback at an appropriate distance to ensure it would not impact on the development potential of these lands. Previously, this block had an east – west alignment and the wider (south) elevation was orientated to face southwards.
- The public open space is now proposed along the western boundary of the site, which is between the proposed duplex / apartment block and Stocking

Lane. Under the previous proposal, this was situated north of the duplex block and located more centrally onsite.

- The proposed communal open space has been increased in size and is now significantly greater than the requirement as per the Sustainable Urban Housing: Design Standards for New Apartments, 2020 ('Apartment Guidelines').
- The four proposed dwellings are situated in the east part of the site. Previously, three dwellings were positioned in this location and a fourth house was near the proposed vehicular access on the western site boundary.

7.2.6. As noted above, the Applicant has devised a scheme layout which they submit is cognisant of the development proposed – and now permitted – on the site adjacent south (ABP Ref. ABP-311616-21). This informed the design rationale for the subject proposal. [I note that a decision had not yet been made at the time the Planning Authority completed their assessment, and that this was duly referenced in the Planner's Report. Permission has since been granted, however.]

7.2.7. In relation to the proposed area of public open space, Section 11.3.1 (iii) of the Development Plan requires that a minimum of 10% of the total site area, which equates to 210sqm. Therefore, the quantitative standard of 210sqm is met. However, I consider that it would be better if the space were more centrally located within the site, as this would allow for improved passive surveillance and for the space to be better overlooked. The proposed public open space in its current format is more akin to a residual piece of land along the border of the site rather than being actual usable, high-quality space.

7.2.8. I note that the central part of the site accommodates a proposed vehicular access / driveway, which provides access to the overall development. Car parking is also centrally located, and positioned in between the apartment block and houses, and I note that a communal amenity space is within the south part of the site. The POS would be landscaped to a reasonable specification, including with various specimen trees and hedge planting (Horn Beam, White Beam, Beech and Gold Birch species, for example) and provide a useful informal amenity purpose. The space would be partially overlooked by proposed unit nos. 5 and 7 from ground floor level and nos. 8 and 9 at first floor level. I note that the proposed communal amenity space (100sqm)

is in excess of the minimum required (31sqm) and that play equipment and opportunities for passive recreation are provided.

- 7.2.9. However, the proximity of 3 no. car parking space to the communal amenity space is not optimum, and I consider that this would significantly reduce the usability of the space and diminish opportunities for passive surveillance that might otherwise be provided for by the apartment block. As more than 50% of the eastern elevation of the block is given over to bike storage, there is already limited potential for overlooking the space. I note that proposed house nos. 1 and 2, which are to the east, would offer some level of passive surveillance. However, this would also be limited as it too would be concealed by parked vehicles. In summary, I consider the proposed communal amenity space sub-optimal, of poor design and that it would not represent a quality good space for future residents.
- 7.2.10. I note that the Apartment Guidelines (Section 4.12) allows the communal amenity space standards to be relaxed for urban infill schemes on sites of up to 0.25ha, subject to overall design quality. However, having regard to the above, I do not consider that the proposed communal open space area is of sufficient quality and that it would not be acceptable in terms of its security and usability as an outdoor amenity space for future residents.
- 7.2.11. In summary, whilst I acknowledge that the revised layout has sought to improve the quality of POS and communal amenity space on the site, I do not consider that the previous concerns raised by the Board's Inspector (ABP Ref. 306966-20) have been adequately addressed and that this warrants a reason for refusal.

Overlooking

- 7.2.12. The Planning Authority's second refusal reason is due to significant overlooking of lands to the south, and which would negatively impact upon the development potential of these residentially zoned lands. This was also previously identified by the Board's Inspector under ABP Ref. 306966-20 and, ultimately, cited as a reason by the Board for refusing permission.
- 7.2.13. Importantly, I note that since the subject application was lodged, and assessed, by the Planning Authority, the Board granted permission on the southern site for the construction of 131 no. residential units and ancillary works under ABP-311616-21 (February 2022). Therefore, the issue of 'development potential' is somewhat less of a concern.

- 7.2.14. Nonetheless, I note that the Applicant states in their appeal response that the proposed apartment block on the subject site has been positioned on a north to south axis to address the previous issue of overlooking. The Applicant submits that the block has been re-orientated to have an oblique angle facing towards the site to the south and that it also has an appropriate setback distance which would ensure it does not reduce the development potential of these adjoining lands. The block has also been reduced in height from three storeys to two storeys to further assist in reducing any potential for negative overlooking or overbearing.
- 7.2.15. I note that the southern elevation of the apartment building includes tall windows for first floor window which serve the living / kitchen room area associated with Unit No. 7. It is setback from the shared boundary at its closest point by 1.2m, which is the southeast corner of the block. It would also be within approximately 13m of the permitted block ('Block M') of the adjoining development. However, importantly, I note that there would be no directly opposing windows above ground floor between the two apartment blocks as there are no north facing windows on the permitted Block M on the adjoining site. Therefore, I consider that the privacy afforded to future residents would be adequately protected and that internal residential amenities would not be unduly compromised, which is consistent with Section 11.3.1 (v) 'Privacy' of the Development Plan.
- 7.2.16. I reiterate also that since the subject application was made to the Planning Authority, the Board granted permission on the southern site for the construction of a residential development (Ref. ABP-311616-21).
- 7.2.17. In summary, having regard to the layout of the proposed development – and that of the permitted scheme on the adjoining site south, and that there would be no directly opposing windows above ground floor between apartments – I consider that the Applicant has adequately addressed the issue of overlooking to the south and that a two-storey block in this location would be acceptable.

Negative Impact on Coolamber

- 7.2.18. The Planning Authority's refusal reason No. 3 states that the proposed development, having regard to the siting, scale and proximity of proposed House 4 would have negative residential amenity impacts on 'Coolamber' by reason of overbearing, visual impact and visual intrusion.

- 7.2.19. In my opinion, the greatest potential for amenity impact on Coolamber is that posed by proposed House No. 4. The dwelling would be situated roughly 1.2m from the revised, shared boundary between the two properties and 2.4m from the house (Coolamber). Therefore, the physical layout and orientation of the overall development proposed, and the potential for loss of light and overshadowing on the existing house requires careful consideration, as does that of overbearance and a potential reduction in the quality of private amenity space for Coolamber.
- 7.2.20. I have reviewed the findings of the Inspector's Report for the previous proposal (Ref. 306966) and note that the potential amenity impact posed by proposed House No. 3 was a cause for concern. The Report states that first floor windows on the front elevation of the house would have overlooked the southern part of Coolamber, including the rear of its side annex, as well as an area of private open space to the rear of the existing dwelling. The proposed 2m high boundary wall was considered to provide insufficient relief and that there would be an unacceptable loss of residential amenity for the occupants of Coolamber by reason of overlooking, overbearing and visual intrusion.
- 7.2.21. The Applicant submits that the impact of the previous design on Coolamber has been noted, and that the new proposal has sought to address the previous concerns raised by the Board through a revised design and layout. The main changes comprise the removal of the existing conservatory on the south side of Coolamber and that the previous House No. 4 – which was situated in the northwest corner of the appeal site – has now been omitted. Furthermore, semi-detached houses are proposed, instead of detached houses, and the stepping down of roof levels and a reduction in overall building height now forms part of the revised scheme.
- 7.2.22. The Applicant has devised a scheme design whereby the roof profile tapers downwards significantly towards Coolamber, which is welcomed. This is shown most accurately in the contiguous elevation from Stocking Lane (drwg. no. 2258-31) and the north elevation of House No. 4 (drwg. no. 2258-20).
- 7.2.23. Furthermore, and whilst I note that residents of Coolamber would still have indirect views towards a gable wall on this side of the property, I consider that the juxtaposition, and physical relationship, between the two houses (No. 4 and Coolamber) would be acceptable and that it would not give rise to any significant residential, or visual amenity impacts. I accept that a certain amount of overlooking

or potential loss of light would likely be experienced by Coolamber. However, this would not be significant and affect only a small part of the south, which is its southeastern corner. The remainder of the house would remain relatively unaffected and I note that proposed apartment block is at some remove from Coolamber with an internal access road, car parking and proposed landscaping situated in between.

7.2.24. I further note that there would be no potential for direct overlooking of the garden for Coolamber from House No. 4 due to its dormer style design / stepped down height, and that there is only a single first floor window on its northern elevation. This window is for a landing and incorporates an obscure / glazed finish.

7.2.25. In summary, I consider that the amended layout and design of the current schematic has been sufficiently modified to address the previous concerns of potential residential amenity and visual impacts on Coolamber, and that proposed House No. 4 would not have a significant detrimental impact in terms of being overly domineering or overbearing.

Architectural Design

7.2.26. The Planning Authority's refusal reason No. 4 is that the proposed development has no real architectural style and would consist of a pastiche of various designs amalgamated together, etc.

7.2.27. In relation to design and layout, I note that the proposed houses (Nos. 1 – 4) are within the eastern section of the site and generally align with the building line of Saint Winnows (detached house) to the south. The houses have varying ridge heights and, as noted above, the building height is stepped downwards towards the northern part of the site to take account of the presence of Coolamber. I consider this an appropriate mechanism to reduce the potential for visual impact and overbearing. It also provides for improved visual interest, in my opinion, and a more responsive design solution to the overall site context.

7.2.28. The apartment block adopts a different form of building design and appearance. However, it generally matches the height of proposed Houses 1 – 3, which is also acceptable.

7.2.29. The elevational drawings for both the proposed houses and apartments indicate that a variety of materials are intended to be used. However, I note that a specific design rationale or statement report was not included in the application documentation and

that there is limited information on the drawings in relation to the proposed materials and finishes. From viewing the plans and particulars, it would appear that a mixture of stone / stone cladding and render would be used as the main façade treatment and that slate or tile would be the primary roof finish.

- 7.2.30. In my opinion, whilst there would be a clear contrasting style between the two buildings, I consider that the design and layout of the proposed development is appropriate and in keeping with its surrounding context.

7.3. Traffic and Access

- 7.3.1. The Planning Authority's reason for refusal No. 5 is in relation to traffic and access. It states that there is a lack of information provided within the application regarding the proposed vehicular access for the site, and the ability of vehicles, including emergency vehicles, to safely enter and exit the property. Also, there is a further reason for refusal (No. 6) which is that the proposal was considered likely to have a detrimental impact on biodiversity and that it would result in a poor quality landscape and environment.
- 7.3.2. The proposed development seeks to create a new access / egress from Stocking Lane, which is along the site's western boundary. I note that the speed limit is 50 km/hr in each direction along this stretch of road, which is reflective of the regional status of Stocking Lane and the nature of the surrounding built-up urban area.
- 7.3.3. During my physical inspection of the site, I observed that the available sightlines upon exiting the property were severely restricted. Traffic flows were frequent in both directions and there was a traffic mirror in situ near where the existing access meets the road to help improve visibility for exiting vehicles and to see approaching traffic more easily. The proposed access / egress is a short distance south of the existing vehicular entrance.
- 7.3.4. I note the report of the Council's Roads Section where it is stated that the proposed access road is deficient and that it has a turning point situated just inside the access location. It is further noted that the road width is too narrow as it should be 6m in width as opposed to 5m. There are also no details of how fire tenders or refuse vehicles can access the development.

- 7.3.5. The Applicant has not adequately addressed this concern in their application, nor appeal, in my opinion, stating only that the new access via a separate entrance is appropriate, addresses sightlines, that the future need for a footpath along the eastern side of Stocking Lane is addressed, and that the standard turning circle provides for reasonable emergency access.
- 7.3.6. There is no technical assessment on file of the relevant standards / guidance document, which in this regard is the 'Design Manual for Urban Roads and Streets, 2019' (DMURS). The main detail provided in this regard amounts to a single drawing ('Roads and Parking Layout Plan', drwg. no. C01), which was submitted at initial application stage and, therefore, prior to the concerns raised by the Council's Roads Department.
- 7.3.7. Therefore, and in summary, I consider that the proposed development, which is along a busy section of a two-way regional road (the R115), and which would include a sub-standard vehicular entrance and accessway, would endanger public safety by reason of being a traffic hazard and causing an obstruction to road users.

7.4. Biodiversity and Landscaping

- 7.4.1. The proposal seeks to remove a large section of the existing hedgerow that runs along the western boundary of the site. The hedgerow is mature, deep and well established and likely has an important ecological value. It also contributes to the character of the area, particularly as Stocking Lane is on approach to the Dublin Mountains north.
- 7.4.2. However, I acknowledge that the setting back of the site boundary along this section of the road would be required to achieve adequate sightlines and to facilitate a pedestrian footpath on this side of the road. I note that Table 6.6 of the Development Plan includes a Road Objective to upgrade the existing Ballyboden Road/Stocking Lane (R115) in order to enhance pedestrian and cycling facilities and exploit the tourist potential of the route. Therefore, the proposed setting back of the roadside boundary and, by association, the resulting partial loss of this section of hedgerow would help contribute to achieving this objective and is considered acceptable.
- 7.4.3. I note also that there is potential for impacts and loss of trees in relation to the wooded area to the north of the site due to the proposed laying of a 225mm foul

sewer from the site up the R115 to the foul connection point. The connection would be through the existing wooded area and adjacent Brookwood Estate. The Applicant has submitted a landscaping plan and tree survey and condition report. However, they do not reference the potential impact on this wooded area and what, if any, loss of tree stands would be incurred as a result.

- 7.4.4. Therefore, should the Board decide to grant permission for the proposed development, I recommend that a condition be included, which requires a revised landscaping scheme, tree survey and arborist report to be submitted to the Planning Authority, to their written satisfaction, prior to the commencement of development.
- 7.4.5. The Arborist Report should provide detailed information on the condition and health of the trees and clearly detail what impact the proposed foul sewer would likely have on the trees, including their root systems. It may also be advisable to prepare an Arboricultural Method Statement to illustrate how the site works will be carried out while simultaneously protecting the trees.

7.5. **Water and Wastewater**

- 7.5.1. The Planning Authority's reason for refusal No. 6 is that the application lacked information in relation to water and that the proposed development would not be prejudicial to public health as a result.
- 7.5.2. In this regard, I note that the Applicant appended a letter from Irish Water as part of their appeal submission, which confirms that water and waste connections to the IW network are feasible.
- 7.5.3. Therefore, I consider that this issue has been adequately addressed.

7.6. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, which is for an infill residential development comprising 9 no. units and ancillary site works, 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

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

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the proposed development along a section of a busy regional road (the R115 / Stocking Lane), and the paucity of information submitted in relation to the proposed vehicular access serving the site, including in relation to the ability of refuse collection vehicles and emergency vehicles to safely access and egress the site, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. The proposed development, by reason of its inadequate qualitative provision of public open space and communal amenity space, would conflict with the provisions of the South Dublin County Development Plan 2016-2022, the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009), and with the Sustainable Urban Housing: Design Standards for New Apartments, (2020), respectively and would, therefore, be contrary to the proper planning and sustainable development of the area.

Ian Boyle
Planning Inspector

20th June 2022