



An
Bord
Pleanála

Inspector's Report ABP-312625-22

Development	Demolition of child care facility and construct two semi-detached houses.
Location	147 Monalea Grove, Knocklyon, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0106
Applicant(s)	Peter & Barbara Thornberry
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Louise Browne
Date of Site Inspection	15 th April 2022
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site on an area of 0.074 hectares, comprises of no. 147 Monalea Grove, Knocklyon, Dublin 24. Monalea Grove is a housing development of mostly semi-detached located on short cul-de-sacs and which is located to the west of the Ballycullen Road. The Ballycullen Road provides a link between the Firhouse Road to the north and the Killininy Road to the south. The M50 is located to the east.
- 1.2. No. 147 is a two-storey semi-detached house located at the south eastern end of one of the cul-de-sacs that form Monalea Grove and adjoins the Ballycullen Road. It has the benefit of a wide turning area for cars through this location. No. 147 has been extended to the side/ east with a two-storey extension and an additional single storey extension has been provided to the east and which appears to be a childcare facility.
- 1.3. The Ballycullen Road is served by Dublin Bus routes 49 and 65B with approximately three buses each way per hour. The 49 operates from Pearse Street in the City Centre to The Square, Tallaght approximately every 30 minutes in the off-peak and the 65B operates from Poolbeg Street in the City Centre to Citywest every hour. Although the site is located adjacent to the Ballycullen Road, direct access is not possible from this cul-de-sac to the bus stops on the Ballycullen Road due to a high boundary wall along the length of the road.

2.0 Proposed Development

The development consists of the following:

- The demolition of an existing childcare facility, with a stated area of 136 sq m.
- The construction of two semi-detached, three-bedroom residential units.
- The reinstatement of a child care building to a three bedroom residential unit.
- Car parking and landscaping.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission, for two units, following the receipt of further information, subject to conditions, which are generally standard.

The following are noted:

Condition no. 2 sought amendments to the design of the proposed no. 147A in that bedrooms' 3 and 4, first floor level to the east, to have windows facing onto Ballycullen Road. The windows to be proportionate to those on the front elevation. I note that the condition states Ballymount Road, I accept that is a typing error.

Condition no. 7 numbers the houses as 147 and 147a.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to grant permission for the proposed development. Further information was sought in relation to a number of items as follows:

Item 1: Submit a site layout plan that demonstrates the area of land in the applicant's control. A revised plan was submitted.

Item 2: The Roads Department sought a parking requirement of two in-curtilage parking spaces per house, with a swept path analysis demonstrating access, to provide a separate access per house or shared access and revisions to the proposed boundary wall. The submitted response resulted in a reduction in the number of units to two instead of three.

Item 3: Revised surface water, SuDS details and a percolation test for a soakaway were sought. No percolation test was submitted and the Environment Department recommended refusal, though the Planning Authority stated that an alternative system could be provided.

Item 4: Foul drainage and watermain details were sought. A foul drainage drawing was submitted but not a watermain drawing. This issue could be conditioned if permission is granted.

3.2.2. Other Technical Reports

Water Services Planning Report:

Surface Water: Further information requested in relation to the provision of suitable surface water drainage measures to serve this site.

Flood Risk: No objection.

Upon receipt of the further information response, a refusal of permission was recommended as it was considered that the site would give rise to flood risk. I note that under the sections Surface Water Report and Flood Risk, that it was recommended that permission be refused.

Environmental Health:

No objection subject to conditions in relation to construction hours, noise control, emissions, and control of dust.

Roads Department:

Further information sought in relation to car parking provision – two in-curtilage per house, access to the houses, revised boundary details and details on the landownership.

The further information response included a reduction in the number of units from three to two, car parking/ access was revised, and the boundary wall was revised. Full details also provided in relation to landownership. The Roads Department reported no objection subject to conditions.

3.2.3. Prescribed Bodies Reports

Irish Water: Further information was requested in relation to water supply and foul drainage. Clarification of further information was sought, however conditions were included in the event that permission was granted.

3.2.4. Objections/ Observations

A single letter of objection was received, and the following points raised are similar to those in the appeal and include in summary:

- Concern that the development lands were extending outside of the applicant's control and were encroaching into open space areas.

- The extension of the site into open space areas may impact on existing planting.
- The cul-de-sac is prone to flooding, with the most recent flood event taking place in July 2020. Photographs of the flooding have been included by the observer.
- The use of impermeable paving will only make the issue of flooding worse into the future.
- History of non-compliance with granted planning permissions on this site.
- The public notices do not accurately describe the proposed development with particular reference to the demolition of an existing childcare facility and its reinstatement as a residential unit.

A list of further information items is provided and conditions in the event that permission is granted.

4.0 Planning History

PA Ref. SD09A/0297/ ABP Ref. 236856 refers to a September 2010 decision to grant permission for the change of use to residence by demolition of side extension and garage, restoration of house with rear extension, construction of 2 houses with entrance drives.

Condition no. 2 stated:

'The proposed development shall be amended as follows:

(a) The entrance area to the drive-ins, which would serve the pair of semi-detached dwellinghouses, shall be extended northwards to a line that represents a continuation of the kerb line on the northern side of the cul-de-sac to Monalea Grove adjacent to 146 Monalea Grove. The street light affected by this extension shall be resited at the applicant's expense and in conjunction with the requirements of Public Lighting Section of the South Dublin County Council's Roads Department. The entire entrance area shall be provided with a sealed surface.

(b) The proposed drive-ins to the existing dwellinghouse and the more westerly of the proposed dwellinghouses shall be widened to four metres.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development'.

Condition no. 4 stated:

'Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the existing dwellinghouse on the site'.

The duration of permission was extended under SD09A/0297/EP but a further extension was refused under SD09A/0297/FEP.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – 'To protect and/ or improve residential amenity'. Residential development of the nature proposed is acceptable in principle on such zoned lands.

5.1.2. Section 2.4.0 refers to 'Residential Consolidation – Infill, Backland, Subdivision & Corner Sites'

'HOUSING (H) Policy 17 Residential Consolidation

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

H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

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.

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.

H17 Objective 5: To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

H17 Objective 6: To support the subdivision of houses in suburban areas that are characterised by exceptionally large houses on relatively extensive sites where population levels are generally falling and which are well served by public transport, subject to the protection of existing residential amenity’.

Section 11.3.2 refers to ‘RESIDENTIAL CONSOLIDATION’

‘(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain’.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Louise Browne has appealed the decision of South Dublin County Council to grant permission for the proposed development.

The grounds of appeal are summarised as follows:

- The cul-de-sac where the subject development is located was subject to a significant flood event in July 2020, which negatively impacted on the appellant's property. Photographs of the flood have been included with the appeal.
- The proposed development provides for significant hardstanding area, which drains onto to the public street.
- Unclear how all aspects of the site are to be drained.
- The development/ is contrary to Policy IE2 Objective 5, G5 Objective 1 and IE3 Objective 3 of the South Dublin County Development Plan 2016 - 2022 in relation to surface water drainage and SuDS.
- Request that if permission is granted that the impermeable/ semi-permeable surfaces be prohibited, that fully permeable that incorporates SuDS be provided and that a triangular shaped section of the site be replaced with soft landscaping.
- The replacement of a boundary wall may negatively impact on mature trees and planting. Photos of the trees are provided in the appeal.
- It is considered that the Planning Authority did not adequately consider the impact on the trees. Reference is made to a number of objectives in the South Dublin County Development Plan 2016 – 2022 in relation to the protection of trees etc.
- A number of conditions are provided in the event that permission is granted, that will protect the trees.
- Refers to a long planning history of the subject site and lists works that do not have the benefit of planning permission. Requests that guarantee be provided that ensure the development is carried out in accordance with the submitted details/ conditions as issued by An Bord Pleanála if permission is granted.

6.2. Planning Authority Response

No additional comments to make to what was already provided in their reports.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Surface Water and Flooding
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of Development

- 7.2.1. The subject site is located in an area zoned 'RES' and the principle of development is therefore acceptable. The South Dublin County Development Plan promotes the consolidation and infilling of sites where it can be demonstrated that all standards can be met, whilst ensuring the protection of existing residential amenity.
- 7.2.2. The proposed development provides for the demolition of a two-storey extension to number 147 Monalea Grove and a single storey extension to the site that are currently in use as a childcare facility. The proposal was for the reinstatement of number 147 to be a semi-detached house only, providing for three bedrooms and a semi-detached pair of houses to the east of number 147, these to be two-storey and each to provide for three bedrooms. I note that the submitted floor plans – Drawing No PA-003 do not indicate any kitchen/ living room in the existing unit, though two bedrooms are at first floor level. From the site visit it appears that the entire unit is in use as a childcare facility.
- 7.2.3. Following a further information request as issued by the Planning Authority, one new unit was omitted and so the development as permitted by the Planning Authority was for a detached two storey house with four bedrooms and the existing 147 to be revised, with a reduced amount of demolition and to provide for a four bedroom house.
- 7.2.4. I note the revisions made in response to the further information request and I consider that the revised development is the appropriate one to assess.

7.2.5. I have had full regard to the Planning Authority report/ decision and the details provided in support of the appeal.

7.3. Design and Impact on the Character of the Area

7.3.1. The demolition of part of the existing number 147 and the extension to the side are considered to be acceptable, as their removal does not result in the loss of any structures of importance.

7.3.2. The revised number 147 and the new unit to the side/ east are considered to be visually acceptable and will integrate into the existing streetscape. Although the new house is a detached unit, in an area dominated by semi-detached houses, the design is such as to ensure a high level of integration with the existing area.

7.4. Impact on Residential Amenity

7.4.1. The proposed house and the alterations to number 147 ensure that both units provide for adequate room sizes. As reported, these are four-bedroom units, and the ground floors provide for generous areas of habitable floor space.

7.4.2. The proposed house is provided with a generous area of private amenity space to the rear and separation distances between the rear first floor windows and the boundary to the rear/ south west is just under 16 m and which is acceptable. Issues of overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight to neighbouring properties are not foreseen as a result of the proposed development.

7.4.3. I consider that the replacement of a large childcare facility in an established residential area with two houses (one new and one a reinstatement) would have benefits to the residential amenity in terms of a reduction in traffic, noise, activity etc.

7.5. Surface water and flooding:

7.5.1. I note the comments made in the letter of objection and subsequent appeal in relation to surface water flooding issues. I note the report of the South Dublin County Council Water Services section. Their initial report sought further information and the subsequent report recommended that permission be refused due to issues of potential flooding.

7.5.2. It is evident from the submitted site layout plans that the increase in building footprint is reduced from that originally proposed and overall is similar to that in situ. I do not foresee that the proposed development will give rise to any noticeable issues of surface water than is the case at present. I note the comments made in the appeal and I agree that all the paving to the front and rear of the site be fully permeable paving. It is also considered that a suitable soakpit be provided to the rear of the proposed house and that suitable SuDS measures such as water butts be provided. It is appropriate that extensions and additions under Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended not be permitted unless applied for directly to the Planning Authority in order to ascertain any impacts on surface water drainage.

7.5.3. I consider that the proposed development can be provided without having a negative impact on the area. The submitted photographs by the appellant indicate an issue that is caused by more than the subject site. I note that the turning area at the end of this cul-de-sac is large, is inefficiently used for on-street parking, and that suitable measures may be considered by the Local Authority to address issues of flooding that would benefit the wider area.

7.6. Other Issues

7.6.1. The Transportation report is noted, and the applicant has indicated a right of way to allow for access to all parking spaces. Two in-curtilage parking spaces are provided per house, and this is clearly demonstrated on the submitted plans.

7.6.2. The appellant raises concern about a boundary wall to the front of the site, which replaces an existing wall. It is considered that a suitable boundary can be provided here that does not impact on the adjoining trees/ planting.

7.6.3. The appellant raises concern about the planning history of this site and development carried out contrary to what was permitted. I will not comment on these issues as they are a matter for the Planning Authority to consider and not for the Board to adjudicate on.

7.6.4. I note the comments of the Planning Authority in relation to the provision of additional windows in the side elevation of the new house, and which addresses the Ballycullen

Road. I have no objection to the provision of such windows as it allows for a greater level of passive surveillance along this road.

- 7.6.5. The proposed development will provide for an additional house on this site and what appears to be the reinstatement of a unit back into residential use. This is considered desirable in an area where there is a demand for such housing. Overall, the proposed development will consolidate the provision of housing in the Monalea Grove area of Knocklyon.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the South Dublin County Development Plan 2016 – 2022, and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development, providing for a new house and the reinstatement of an existing unit, would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 6th of May 2021 and as amended by the further plans and particulars submitted on the 6th of December 2021 to the Planning Authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">(a) The proposed development provides for the reinstatement of number 147 as a single residential unit and the provision of a new house, number 147A, to the side/ east of 147 Monalea Grove.(b) Bedrooms 3 and 4 of the proposed houses, number 147A at first floor level shall be fitted with windows in the eastern elevation, addressing the Ballycullen Road. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of and residential amenity and clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p>

	<p>Reason: In the interest of visual amenity.</p>
4.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> (a) A soakpit shall be provided in the rear garden of the new house – number 147A Monalea Grove. (b) All paving shall be permeable and shall comply with the requirements of the Planning Authority in relation to surface water drainage. (c) A suitable SuDS proposal shall be agreed with the Planning Authority and shall include water butts. (d) A greater area of soft landscaping, such as grass and or planting shall be provided to the front of the proposed new house. The boundary wall with the triangular area of public landscaping shall be replaced with a wooden fence that allows for surface water drainage between the site and this landscaping area. <p>Revised drawings and full technical details showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of and residential amenity and clarity.</p>

6.	<p>Water supply and drainage arrangements, including the disposal 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>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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 amenities of property in the vicinity.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and</p>

	<p>disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
12.	<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>

Paul O'Brien

Planning Inspector

15th April 2022