



An
Bord
Pleanála

Inspector's Report

ABP-313399-22

Development	Construction of four houses
Location	The Bungalow, Brennanstown Road, Dublin 18, D18 H9V2
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0076
Applicant(s)	Wokbrennan Developments Ltd
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Wokbrennan Developments Ltd
Observer(s)	Sheila Considine and Peter Mulholland Michael O'Brien
Date of Site Inspection	2 nd March 2023
Inspector	Susan Clarke

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1.0 Site Location and Description

- 1.1. The site measuring 0.79ha is located in the rear garden of The Bungalow, Brennanstown Road, Dublin 18, a part-one/part-two storey detached dwelling (164 sq m; 5 bedroom). The Bungalow is setback from the public roadway and is served by off street parking / pedestrian access to the front (west) and amenity space to the rear (east) and side (south).
- 1.2. The site is located on a corner at the junction of Brennanstown Road and Carraig Glen, in an area which comprises a mix of residential and commercial development. The site slopes downwards from north to south with the existing adjacent dwellings to the east located at a higher elevation relative to the subject site. It is bounded to the east by the rear garden of No. 1 Old Bray Road. Further east of these lands are the residential properties of Nos. 1 to 4 Carraig Glen. There is a small area of open space associated with Carraig Glen located to the side (south) of the site. There are two dwellings setback from Brennanstown Road, on the opposite side to the subject site. A narrow footpath runs along the western side of Brennanstown Road. Cabinteely Park is also located on the western side of Brennanstown Road.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached to this Report.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Construction of four three storey (2 floors plus attic) semi-detached dwelling houses each comprising 4 bedrooms plus home office;
 - Removal and replacement of existing boundary and vehicular entrance way to the Bungalow fronting Brennanstown Road and provision of two additional vehicular accesses off Brennanstown Road to serve the proposed dwellings;
 - Provision of two surface car parking spaces per proposed dwelling;
 - Construction of a new public pedestrian footpath (1.8m wide) along Brennanstown Road;

- Associated works including landscaping, new drainage connections, boundaries works, etc.

2.1.1. The dwellings will be finished with brick and render with blue/black slate finished roofs and a zinc canopy over the main entrances on the front elevations. Three rooflights (two at ridge height level) and a dormer window (zinc) are proposed for each dwelling.

2.1.2. In terms of foul water, it is proposed to construct a new 150mm sewer along the front of the site in the footpath, to connect into an existing 525mm foul line. Soakaways in the front garden of each property are proposed as surface water management measures. In addition, it is stated that the driveways and side passageways will be constructed in a porous paving material. Mains water supply will be accessed via the existing main line along Brennanstown Road.

2.1.3. In addition to a Planning Application Form and Statutory Notices, the application included supporting documents (in association with architectural, engineering and landscaping drawings) as follows:

- Planning Application Report, including a draft Construction Management Plan
- Schedule of Accommodation
- Engineering cover letter relating to foul water, surface water, and traffic.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Refuse Permission on 25th March 2023 for the following reasons:

1. *It is considered that the proposed development **contravenes Specific Local Objective 130 and Policy ST25 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.** Furthermore, it is also considered that in conjunction with this, the **intensification of use** generated by the proposed development onto this road **would endanger public safety by reason of being a traffic hazard** and would have a **seriously adverse impact on the safety and free flow of traffic on Brennanstown Road** and would therefore be contrary to*

the proper planning and sustainable development of the area. (Bold: My emphasis.)

2. *The proposed development, by reason of the design and scale, would be **visually obtrusive when viewed along the streetscapes of Brennanstown Road and the surrounding area**. Furthermore, the proposed development would give rise to a **substandard form of residential development** by reason of the **poor configuration and inadequate provision of private amenity space** to the rear of the dwellings. Thus, it is considered that the proposal constitutes **overdevelopment of the site**, would provide a **poor residential amenity for future occupants** and would seriously **injure the visual amenities of the area**. The proposed development would therefore be contrary to the proper planning and sustainable development of the area. (Bold: My emphasis.)*
3. *Having regard to the **existing deficiency in the road network** serving the area of the proposed development, **including its capacity and width**, it is considered that this would render **the network or any part of it unsuitable to carry the increased road traffic likely to result from the development**. Furthermore, the **prematurity of the development pending the determination by the Planning Authority or the road authority of a road layout for the area or any part thereof**. It is considered that the proposed development by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a major road by traffic, would endanger public safety by reason of being a traffic hazard and would be contrary to the proper planning and sustainable development of the area. (Bold: My emphasis.)*

3.2. Planning Authority Reports

3.2.1. Planning Report (25th March 2022)

The Planner's Report forms the basis of the Local Authority's decision. Key points to note from this Report include:

- Proposal is consistent with national and regional policy relating to the consolidation and re-intensification of infill/brownfield sites within existing built-up areas of Dublin City and suburbs, and is consistent with local policy relating

to the consolidation and densification of the existing urban and suburban form of the County.

- The level and density of development as currently proposed is not considered to be acceptable and would result in overdevelopment.
- The size of the proposed dwelling is generally considered to be acceptable subject to some minor amendments and would provide an acceptable standard of amenity to future occupants in terms of floor area.
- The quantity of private amenity space proposed to serve dwelling Nos. 1, 2 and 3 would not comply with the Development Plan's standard of 75 sq m.
- Concerns are raised with respect to the depth of the proposed rear amenity space which varies from 6m to 8.6m.
- Concerns are raised by the Planning Authority with respect to the separation distances between the proposed dwellings and the surrounding boundaries and dwellings.
- Given the siting of the existing property to the north and the lands to the rear of the site and the proximity of the proposed dwellings to the sites boundaries, it may impact the future development potential of this property and the adjacent lands.
- Having regard to the scale and location of the proposed dwellings together with the orientation of the site, it is considered that the proposed dwellings would not have a significant negative impact on the residential amenities of the existing properties to the north in terms of overbearing, overshadowing and overlooking.
- The design, scale, bulk, massing and finishes would be out of character with the surrounding area, thus resulting in development that would be obtrusive and overly dominate as viewed from the public realm and therefore have a negative impact on the streetscape and visual amenities of the area.
- In addition, it is considered that the proposals to remove the existing stone boundary wall fronting onto Brennanstown Road and replace with a stone and railing boundary treatment would have a negative impact on the streetscape and visual amenities of the area.

- Planning Authority concurs with the recommendations of Transportation Planning to refuse permission.

3.2.2. Other Technical Reports

Transportation Planning (21st March 2022): Recommend permission is refused as per Reasons Nos. 1 and 3 attached to the Notification of Decision to Refuse Permission.

Drainage Planning (7th March 2022): Recommends further information is sought in relation to soakaway separation distances to proposed foundations, and details of the proposed hardscaping areas.

Environmental Health Officer (2nd March 2022): No objection subject to compliance with conditions.

3.3. Prescribed Bodies

Irish Water (2nd February 2022): No objection subject to compliance with conditions.

3.4. Third Party Observations

Four third-party observations were made to the Local Authority opposing the proposed development. The key points raised can be summarised as follows:

- Overdevelopment. Proposal is out of character with the existing properties in the area.
- Impact on the residential amenity - overlooking, overshadowing, privacy and loss of light.
- Concerns with respect to the impact of construction traffic on residents and businesses in Cabinteely village.
- Query with respect to the location of proposed new footpath behind the existing boundary wall and intended users of this footpath.
- Traffic safety concerns and impact on Brennanstown Road. No Road Safety Audit submitted. Development is premature and excessive pending a fully integrated infrastructural traffic plan.

- Concerns with respect to the removal of the stone boundary wall which it is stated has been in place since the 1700s.
- Inaccuracies on the drawings.

4.0 Planning History

4.1. Subject Site

4.1.1. **DLRCC Reg. Ref. V/106/21:** Certificate of Exemption - Part V issued 1st Feb 2022 for four units.

4.1.2. **DLRCC Reg. Ref. D98A/0560:** The Local Authority refused permission in 1998 for the construction of two detached two storey dwellings for four reasons relating to land title, loss of open space, breaking of an established building line, and inadequate statutory notices.

4.2. Neighbouring Lands - Former Doyle's Nursery and Garden Centre and 'Benoni'

4.2.1. **ABP Reg. Ref. 305859:** The Board granted permission in June 2020 for 234 No. apartments and associated development at the Former Doyle's Nursery and Garden Centre and 'Benoni', which is located c250m south of the subject site. The proposal includes for works to Brennanstown Road, some of which are located along the western and southern boundaries of the subject site.

4.2.2. **ABP Ref. 301044:** The Board granted permission in May 2018 for 115 No. residential units and associated development at the Former Doyle's Nursery and Garden Centre and 'Benoni'. The proposal included upgrade works to the Brennanstown Road.

5.0 Policy Context

5.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009)

5.1.1. These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban

locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. With specific reference to sites within 500m walking distance of public transport nodes (e.g. stations, halts, bus stops), the Guidelines recommend that minimum net densities of 50 units per hectare should be applied, subject to appropriate design and amenity standards.

5.2. Dun Laoghaire Rathdown County Development Plan, 2022-2028

5.2.1. Since the Local Authority issued a Notification of Decision to Grant Permission for the proposed development, a new development plan has been prepared and adopted for the County. The applicable plan is the Dun Laoghaire Rathdown County Development Plan, 2022-2028.

5.2.2. The subject site is zoned Objective A: “*To provide residential development and improve residential amenity while protecting the existing residential amenities*”.

5.2.3. **Objective SLO 73:** *To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.*

5.2.4. Section 5.8 (Road and Street Network) states *inter alia*:

It is also an objective to carry out a Traffic Management Scheme on the Brennanstown Road (refer also to SLO73). The Traffic Management Scheme will:

- *Provide improved facilities for vulnerable road users;*
- *Reduce traffic speeds and improve safety;*
- *Reduce through traffic; and,*
- *Ensure boundary treatment and landscaping solutions mitigate the impacts on the Sylvan setting of Brennanstown Road.*

5.2.5. Section 12.3.7 refers to ‘Additional Accommodation in Existing Built-Up Areas’ and sets out policies relating to infill development (12.3.7.7) which states *inter alia* that in accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall

retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.

5.2.6. Section 12.3.7.5 relates to **Corner/Side Garden Sites** and states:

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7)

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- *Impact on the amenities of neighbouring residents.*
- *Accommodation standards for occupiers.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed, where appropriate.*
- *Car parking for existing and proposed dwellings provided on site.*
- *Side/gable and rear access/maintenance space.*
- *Adequate usable private open space for existing and proposed dwellings provided.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*

- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.*

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit, and this will be encouraged by way of corner/ side and infill development. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority, subject to design and level of accommodation provided, there may be some relaxation in private open space and car parking standards for this type of proposal.

5.2.7. The following other sections and policies are relevant:

- Section 12.3.1.1: Design Criteria
- Section 12.3.3: Quantitative Standards for Residential Development
- Section 12.3.3.2: Residential Density
- Section 12.8.3.3: Private Open Space

5.3. **Natural Heritage Designations**

The nearest European sites are:

- Wicklow Mountains SAC (site code 002122) c. 8.5km from the site.
- Rockabill to Dalkey Island SAC (site code 003000) c. 4km from the site.
- Dalkey Island SPA (site code 04172) c. 4.3km from the site.

5.4. **EIA Screening**

5.4.1. On the issue of environmental impact assessment screening, I note that the relevant classes for consideration are Class 10(b)(i) “construction of more than 500 dwelling units” and Class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”.

5.4.2. It is proposed to construct a total of four new houses which is significantly below the 500-unit threshold noted above. The site has an area of 0.79 ha and is located within

an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha.

5.4.3. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and the Local Authority, upon which its effects would be minimal.

5.4.4. I conclude that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report or screening determination in relation to EIA was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First-Party Appeal was received by the Board on 21st April 2023 opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- Having regard to the site's zoning, residential development is acceptable on the site.
- The Development Plan does not define "minor domestic infill".
- In the context of the site and surrounding area, the development of 4 houses as proposed, being located on a well-established residential road, is a minor domestic infill development and as such is in compliance with and does not conflict with both Policy ST 25 and SLO 130.
- The Local Authority has failed to implement a Traffic Management Scheme for Brennanstown Road. This has been an issue for 15 years.

- Refs. 301044 and 305859 include for the upgrading of a section of the Brennanstown Road. The issues clarified and already determined in relation to these cases, apply to the subject case, and that the Board can grant permission for the proposed development following the same reasoning. The Board has effectively ensured that the Traffic Management Scheme for the relevant section of Brennanstown Road has been completed, thereby, freeing up the lands for development as anticipated by SLO 130 and ST 25.
- In addition to the approved works under Ref. 305859, the proposed development includes for the provision of a new 1.8m wide footpath to the eastern side, and the relocation of an existing substandard entrance to the existing Bungalow to the south to improve sightlines on entry and exit. By extension of both the road improvement works under Ref. 305859 and the additional works as proposed under this development, there will be no intensification of use generated by the development, and that there will be no traffic hazard or impact on the safety and free flow of traffic on Brennanstown Road.
- There appears to be a direct conflict within the Planners own considerations and arguments, on one hand saying that there would be no abrupt transition in scale, and on the other that the scale and size is not acceptable, without offering any cogent or clear reasoning.
- The scale of the development has been accepted by the Planner as appropriate both in transitional arrangements and in its relationship to adjacent dwellings. Furthermore, the height of the development has been accepted by the Planner as being at or below the surrounding properties.
- The site slopes down in a southern direction, and then rises again to the east along Carrick Glen. This has the effect of positioning both the existing Bungalow and the nearby houses to Carrick Glen in an elevated position minimising and neutralising any impact that the height of the proposed dwellings will have.
- The Planning Authority has previously granted permission (and confirmed by the Board on appeal) for a modern flat roofed full three storey development for 34 no. unit residential development in the form of 10 no. three storey houses and 13 no. two bedroom apartments and 11 no. duplex apartments at the corner

of the Main Street and Brennanstown Road (Planning Ref. D18A/0763 and ABP Ref: 304719 refers). The parapet height for this development as it addresses onto Brennanstown Road is c. +48.79 some 2.6m higher than the maximum ridge in the proposed development at +46.135.

- In terms of massing, the development and the immediately adjacent houses in Carrick Glen are similar.
- The development has been designed to be in keeping with the neighbouring properties. The area is somewhat robust (including permitted development such as the opposite corner site and the Doyle's Nursery site), having a good mix of styles and building types, and the proposed design will blend in well with same and be in keeping with the surrounding properties. Furthermore, being a transitional zone, the site can accommodate such a design, and it is contended in the strongest possible way that the design would not be visually obtrusive.
- There is some discretion allowed in Section 12.8.3.3 of the Development Plan in relation to the provision of rear garden sizes, particularly for infill and corner sites, and it is considered that in this particular case, taking into account all of the facts, that it is entirely appropriate to permit a relaxation. It is also noted that only 3 of the houses fall marginally below the above standard but all fulfil the standard for 3 bed houses. The four houses proposed are effectively two storey three bedroom houses with a converted attic. So, if the attic floor was not indicated, then the development would fully comply with and comfortably exceed the requirements of Section 8.2.8.4 of the CDP. Furthermore, if the development proceeded on the basis of no attic, and being fully compliant with Section 8.2.8.4, the fact remains that the attic could subsequently be converted as exempted development to that now proposed, and still be fully compliant.
- It is not proposed to completely remove the boundary wall in its entirety along Brennanstown Road, but as indicated on the drawings, to push back approximately half of the wall in front of the existing Bungalow and rebuilt it like for like. In addition, it is proposed for the balance of the boundary along Brennanstown Road to incorporate the stone from the original wall to a height of c. 700mm with matching stone piers, with railings and planting behind.

- None of the properties are protected structures, nor is there any preservation order on the stone wall, nor is the site within an area of Architectural Conservation.
- Taking into account the planning gain generated by the relocation and altering of the boundary wall, namely the provision of a new 1.8m foot path and the provision of a much safer entrance to the Bungalow, the proposal to alter the west boundary of the site is entirely appropriate, well considered and will have a positive impact on Brennanstown Road, both visually and from a safety consideration.
- The proposal is for a very modest infill development, which will not materially or indeed significantly add to the traffic load on the existing road network.
- To consider that such a modest infill development of only four houses would, as alleged by the Planning Authority "*render the network or any part of it unsuitable to carry the increased road traffic likely to result from the development*" is somewhat fanciful and significantly overstating or exaggerating matters and is not founded in fact.
- On the matter of the prematurity of the development, it is clear in the context of the now well-established road improvement works above, that the development is now not premature, and the issue of SLO 130 and ST 25 is now mute.
- The development would in fact improve public safety by way of the proposed road improvement works, which would as a result improve traffic conditions.

6.2. Planning Authority Response

- 6.2.1. The Local Authority advised the Board on 4th May 2022 that it considers that the grounds of appeal do not raise any new matter which, in my opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- 6.3.1. Two observations from local residents were received by the Board supporting the Local Authority's Notification of Decision to Refuse Permission. The key points raised are summarised below.

Michael O'Brien, Brennanstown Road, Cabinteely, Dublin 18

- Proposal not in accordance with the Development Plan. Objective 130 limits development along Brennanstown Road until a traffic management scheme has been put in place.
- Will give rise to major traffic hazard along Brennanstown Road and close to a major traffic intersection.
- No safe access provided to public transport.
- Residential development is not warranted and the density of the proposed development, creates a great danger for motorists, pedestrians and cyclists.
- Proposal would be unreasonable and irresponsible, increasing public safety risk.
- The proposal includes for the demolition of the boundary wall which has been in place since 1700's. The proposal will alter the character of the road and as such is inconsistent with Objective ST25.
- The proposal is premature and excessive.

Sheila Considine and Peter Mulholland, Old Bray Road, Cabinteely, Dublin 18

- The rear garden of No. 1 Old Bray Road is not "open waste lands" or "vacant lands" as described in the application. The area provides an important amenity space for gardening, growing vegetables, and keeping chickens and bees.
- None of the trees indicated along the shared boundary between the subject site and No. 1 that are indicated on the drawings actually exist, rather a privet hedge runs along the boundary. The replacement trees along this boundary will overshadow the Observer's rear garden and take moisture from the ground. In addition, the trees along the driveway of the site will overshadow our property.
- The upstairs windows of the proposed dwellings would only be 7.5m from the shared boundary.

- The proposal will diminish the afternoon and evening light in the rear garden of No. 1.
- The proposal will reduce the residential amenity currently enjoyed by neighbouring residents.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the First-Party Appeal, Observations, and inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Standard of Accommodation Proposed
- Access and Traffic

Each of these items is addressed in turn below.

7.1. Principle of Development

- 7.1.1. The proposal comprises the construction of four dwellings on a site zoned Objective A with an aim “*To provide residential development and improve residential amenity while protecting the existing residential amenities*”. The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining sites. In conclusion, I consider the proposed development to be acceptable in principle, subject to quantitative and qualitative safeguards in respect of design and amenity.

7.2. Impact on Residential Amenity

- 7.2.1. The proposed development involves the construction of four three storey (2 floors plus attic) semi-detached dwelling houses, each comprising 4 bedrooms plus a home office (each measuring 164 sq m), on a site with a stated area of 0.79ha. The proposal would have a density of c. 50 units per hectare and as such, is in accordance with the 2009 Sustainable Residential Development Guidelines, which recommend that minimum

net densities of 50 units per hectare should be applied, subject to appropriate design and amenity standards. Having regard to the site's proximity to the N11 (circa c.250m), which has a number of Dublin Bus routes running along it and the Laughanstown Luas Stop (c. 1.6km), I consider the proposed density to be acceptable, as in terms of quantitative development management standards, the proposal would not be considered as overdevelopment.

- 7.2.2. In terms of building height, the dwellings will follow the north/south slope of the site with Houses No. 1 and 2 having a ridge height of 46.135m and Houses 3 and 4 No. with a ridge height of 45.235m. The houses will generally read as two storeys with dormer windows. The front gables would be setback 6m from the proposed public footpath on Brennanstown Road and as such will not be overly dominant when viewed from the Road. In addition, at the closest point, the side (north) elevation of House No. 1 would be located approx. 10m from the side (south) elevation of the Bungalow. Furthermore, the Bungalow is positioned on a higher ground level than Houses No. 1 and 2. Having regard to the foregoing, I do not consider that the proposal would have any overbearing impacts on the existing dwelling, notwithstanding that it is part 1/part 2 storey in height. The windows on the northern elevation of House No. 1 at first and second floor level would be obscured and as such there would be no direct overlooking of the Bungalow.
- 7.2.3. The rear elevation of the dwellings will be c18m from the side elevation of No. 1 Carrig Glen and as such there would be no overbearing impacts arising on the neighbouring property. In addition, as illustrated on Dwg. No. PL 04, the ridge heights for House Nos. 3 and 4 are lower than that of No. 1 Carrig Glen due to changes in elevation. Having regard to the separation distance between the proposed development and No. 1 Carrig Glen, and the eastern boundary treatment (see Photo 6 attached to this Report), no significant overlooking would occur.
- 7.2.4. The rear elevations of the dwellings at their closest point are 5.5m (House No. 4) from the boundary with the rear garden of No. 1 Old Bray Road. This property benefits from a substantial rear garden, which as outlined by the Observer is used for gardening, growing vegetables, and keeping chickens and bees. Whilst I do not dispute the amenity that the area provides for the residents of No. 1 Old Bray Road, having regard to the height and scale of the proposal (at a lower ground floor level than No. 1 – see Dwg. No. PL 04), and the boundary treatment between the two properties, I do not

consider that the proposed development would adversely impact the amenity of the neighbouring rear garden in terms of overbearing impacts. Furthermore, having regard to the separation distance between the dwelling on No. 1 Old Bray Road (and the size of its associated rear garden), in relation to the proposed dwellings, no undue overlooking would occur to adversely impact the neighbouring property's residential amenity.

7.2.5. In terms of the visual impact from the proposal, having regard to the proposed palette of materials and the dwellings' conventional design, I am satisfied that the proposal would not be out of character with the area. I note that the southern elevation of House No. 4 will be finished in brick and have windows overlooking the junction of Carrig Glen and Brennanstown Road, to provide good passive surveillance in the area. I do not consider that the removal of the stone boundary wall fronting onto Brennanstown Road and its replacement with a similar stone type and railing boundary treatment (see Dwg. No. PL 03), will have a negative impact on the character of the streetscape. I highlight that the wall is not a Protected Structure.

7.2.6. Furthermore, due to the scale and orientation of the proposed development and the separation distances from the site to neighbouring properties, I am satisfied that the proposal will not alter the quantum of daylight to such a significant degree that would adversely affect amenities enjoyed by the occupants of neighbouring dwellings.

7.2.7. Having regard to the foregoing, I do not concur with the Local Authority that the proposal will result in an abrupt transition in scale or be out of character with the area. On the contrary, in my opinion, the proposal is consistent with Section 12.3.7.5 relating to Corner/Side Garden Sites of the Development Plan. The site is not located in close proximity to Protected Structures. Furthermore, the area is not an Architectural Conservation Area. I am satisfied that the overall visual impact of the proposed development in the area is satisfactory. As such, I do not concur with the Local Authority's second reason for refusal with reference to the proposal representing overdevelopment and being visually obtrusive when viewed along the streetscapes of Brennanstown Road and the surrounding area.

7.3. **Standard of Accommodation Proposed**

7.3.1. The Local Authority and Observers raised no concern in relation to the standard of accommodation that the proposed dwellings would provide. The dwellings have a

conventional layout and are generally consistent with the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

- 7.3.2. However, in terms of private open space, only House No. 4 complies with the Development Plan's standard of 75 sq m for 4 bedroomed houses (Section 12.8.3.3); House No. 1 has a rear garden size of 63 sq m, while House Nos. 2 and 3 have rear garden sizes of 60 sq m, respectively. Section 12.8.3.3 of the Development Plan states *"In instances where an innovative design response is provided on site, particularly for infill and corner side garden sites, a relaxation in the quantum of private open space may be considered, however this is on a case-by- case basis. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc."* Whilst there is open space proposed to the front of the dwellings, this is proposed for car parking and circulation space, and as such would not comprise of usable amenity space. I consider the private open space shortfall to be relatively minor and having regard to Section 12.8.3.3 and the site's proximity to a number of public open space areas, including Cabinteely Park, I am satisfied that the quantum of private open space is acceptable in this instance.
- 7.3.3. The Local Authority raised concern in relation to the depth of the rear gardens; House No. 4 is located closest to the eastern boundary by a distance of c5.7m. However, this Unit also has a small side garden to the south. Section 12.8.3.3 of the Development Plan does not specify any minimum depths for rear gardens. Furthermore, having regard to the shape and layout of the spaces, I consider they would provide future residents with adequate usable space.
- 7.3.4. In summary, I am satisfied that the proposed development would provide future residents with an acceptable level of amenity and as such I do not concur with the Local Authority's second reason for refusal with respect to the configuration and provision of private amenity space.

7.4. Access and Traffic

- 7.4.1. The Local Authority's first and third reasons for refusal relate to traffic. The Local Authority stated that the proposal would result in a traffic hazard and would be

premature pending the determination of a road layout for the area. As outlined above, SLO 73 states:

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

7.4.2. Policy ST25 referenced in the first reason for refusal relates to the former Development Plan (2016-2022). However, Section 5.8 (Road and Street Network) in the current Development Plan (2022-2028) contains similar wording:

It is also an objective to carry out a Traffic Management Scheme on the Brennanstown Road (refer also to SLO73). The Traffic Management Scheme will:

- *Provide improved facilities for vulnerable road users;*
- *Reduce traffic speeds and improve safety;*
- *Reduce through traffic; and,*
- *Ensure boundary treatment and landscaping solutions mitigate the impacts on the Sylvan setting of Brennanstown Road.*

7.4.3. The Applicant argues that the proposed development can be considered “minor” and would not result in an intensification of use. It is stated that the Local Authority has failed to implement a Traffic Management Scheme for Brennanstown Road in the previous 15 years. Furthermore, it is argued that Refs. 301044 and 305859 have ensured that a Traffic Management Scheme for the relevant section of Brennanstown Road will be provided for, thereby, freeing up the lands for development as anticipated by SLO 130 and ST 25. Drawing No. PR396201-ACM-XX-00-DR-CE-10-0002 which illustrates the permitted works under Ref. 305859 is included as part of the First-Party Appeal. It illustrates the permitted improvement works including a new junction layout at Brennanstown Road and Carrig Glen with a raised table including a pedestrian crossing, and an improved footpath to the western side of the main road opposite the subject site.

7.4.4. Contrary to the Applicant’s argument, in my opinion, the proposed development will result in a significant increase in traffic movements from the site in comparison to the levels generated by the Bungalow at present, with the addition of eight new car parking spaces and two new vehicular access/egress points, notwithstanding the benefits from

relocating the existing vehicular entrance to provide better sightlines and the provision of a new 1.8m footpath along the western boundary of the site. As such, I do not consider the proposal to be 'minor' with respect to traffic generation when compared against existing traffic movements to and from the site at present.

- 7.4.5. Whilst I acknowledge that permission has been secured under Refs. 301044 and 305859 for upgrade works to part of Brennanstown Road, there is no guarantee if/when these permissions may be implemented. I note from my site visit that no works have commenced on the Doyle Nursey site. The proposed development does not include for the same upgrade works permitted under these Permissions, rather it only includes for the provision of a 1.8m footpath along the western boundary of the site. There is no footpath on the eastern side of Brennanstown Road, north of the subject site, and as such, the provision of the new 1.8m footpath is of limited benefit to pedestrian safety. Having regard to the foregoing, I concur with the Local Authority that the proposed development would be contrary to SLO 130 and that the intensification of use generated by the proposed development onto this road would endanger public safety by reason of being a traffic hazard and would have a seriously adverse impact on the safety and free flow of traffic on Brennanstown Road. Therefore, I consider that Reason Nos. 1 and 3 of the Local Authority's Decision still stands, and accordingly I recommend that permission be refused for the proposed development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development in an established urban area on serviced land, and the separation distance to the European sites to the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1.1. I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

10.0 Reasons and Considerations

It is considered that the proposed development contravenes Specific Local Objective 73 and Section 5.8 (Road and Street Network) of the Dún Laoghaire-Rathdown County Development Plan 2022-2008. Furthermore, it is also considered that in conjunction with this, the intensification of use generated by the proposed development onto this road would endanger public safety by reason of being a traffic hazard and would have a seriously adverse impact on the safety and free flow of traffic on Brennanstown Road and would therefore be contrary to the proper planning and sustainable development of the area.

Having regard to the existing deficiency in the road network serving the area of the proposed development, including its capacity and width, it is considered that this would render the network or any part of it unsuitable to carry the increased road traffic likely to result from the development. Furthermore, the prematurity of the development pending the determination by the Planning Authority or the road authority of a road layout for the area or any part thereof. It is considered that the proposed development by itself or by the precedent which the grant of permission for it for it would set for other relevant development, would adversely affect the use of a major road by traffic, would endanger public safety by reason of being a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

3rd March 2023