



An  
Bord  
Pleanála

## Inspector's Report ABP-313448-22

<b>Development</b>	Construction of a detached dormer dwelling, new vehicular entrance, solar panels, soakaway, boundary walls, services together with all associated site works.
<b>Location</b>	Golf Club Lane, Ballinclea Road, Killiney, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D21A/0382.
<b>Applicant(s)</b>	Julie Cox, Alan Kirwan & Hilary Pratt.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Frances McNeill.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	4 <sup>th</sup> day of November, 2022.
<b>Inspector</b>	Patricia-Marie Young.

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.2. Regional.....	6
5.3. Local .....	7
5.4. Natural Heritage Designations .....	8
5.5. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Applicant Response .....	10
6.3. Planning Authority Response .....	11
7.0 Assessment .....	12
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	20
10.0 Conditions .....	20

## 1.0 Site Location and Description

- 1.1. The irregular shaped greenfield appeal site has a stated area of 0.0287ha is located c50m to the south of Ballinclea Road on the eastern side of a cul-de-sac lane that primarily serves the Killiney Golf Clubhouse and car park. The site contains a number of mature trees and hedge planting. It is adjoined by a period detached dwelling on its northern boundary and by the Killiney Golf Club course to the north. Its roadside boundary contains a period stone wall. The general character of the area is low density and residential suburban with a variety of architectural styles and periods. A set of photographs of the appeal site and its setting taken during my inspection of the site are attached.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for construction of a detached dormer dwelling (2 storeys consisting of ground floor and dormer first floor with rooflights and side dormer windows with a given 174.3m<sup>2</sup> (3 bedrooms with 4 bedspaces), new vehicular entrance, solar panels, soakaway, boundary walls and services. This application includes:
- Cover Letter/Planning Report.
  - Auto Track Analysis.
- 2.2. On the 7<sup>th</sup> day of March, 2022, the Planning Authority received the applicant's **further information response**. This was not deemed to be significant by the Planning Authority and therefore no new public notices were required. Of note it includes a revised front gate boundary and included the following documentation:
- Planning Report.
  - Arboricultural Report.
  - Ecological Report.
  - A Letter of Consent for Relocation of the utility pole from the Public Lighting Section.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On the 1<sup>st</sup> day of April, 2022, Dun Laoghaire Rathdown County Council issued a Notification of Decision to **grant** permission for 17 no. conditions including:

Condition No. 2:	Restricts the dwelling to a 3-bedroom plus study.
Condition No. 3:	Omits the front porch.
Condition No. 7:	No works permitted between March to August unless otherwise agreed.
Condition No. 8:	Requires the measures set out in the Arboricultural Report be complied with in full.
Condition No. 9:	Deals with Surface Water.
Condition No. 10:	Deals with the entrance and associated boundaries onto Gold Club Lane.
Condition No. 11:	Deals with construction management.
Condition No.s 14, 15, 16 & 17:	Financial Contributions.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The **final Planning Officers report** is the basis of the Planning Authority's decision.

The **initial Planning Officers report** concluded with a request for further information on the following items:

Item No. 1:	Requested to demonstrate compliance with provisions for transitional zonal areas and any interference with the operational capacity of the adjoining Killiney Golf Club facility.
Item No. 2(a):	An Arboricultural Assessment requested including a Tree Survey and Landscaping Plan.
Item No. 2(b):	Concerns raised with the height, scale, proximity of the dwelling to the front of the building line. Revised proposals are sought.

- Item No. 3: Preliminary Ecological Assessment requested.
- Item No. 4: Substandard Private Open Space.
- Item No. 5(a): Revised proposal for the entrance onto the lane.
- Item No. 5(b): Relates to the relocation of the existing utility pole.

### 3.2.2. **Other Technical Reports**

**Drainage:** Final Report. No objection, subject to safeguards.

**Transportation:** Final Report. No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water:** No objection, subject to safeguards.

### 3.4. **Third Party Observations**

- 3.4.1. Two Third Party observations were received by the Planning Authority during the course of its determination of this planning application. I have noted their content and they are attached to file. The key issues raised therein correlate with those raised by the Third Party in their appeal submission to the Board.

## 4.0 **Planning History**

### 4.1. **Site and Setting**

- 4.1.1. No recent and/or relevant planning permission.

## 5.0 **Policy Context**

### 5.1. **National**

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

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

- **Housing for All - A New Housing Plan for Ireland, 2021:** This plan aims to improve Ireland's housing system and deliver more homes of all types for people with

different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability.
2. Pathway to eradicating homelessness, increasing social housing delivery, and supporting inclusion.
3. Pathway to increasing new housing supply.
4. Pathway to addressing vacancy and efficient use of existing stock.

- **Climate Action Plan, 2021.**
- **National Development Plan, 2021 to 2030.**

5.1.1. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- 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.
- BRE Guide ‘Site layout Planning for Sunlight and Daylight’, 2011.
- Design Manual for Urban Roads and Streets, 2019 .

## 5.2. **Regional**

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond.

### 5.3. Local

- 5.3.1. Since the Planning Authority issued its decision in respect of the subject proposed development, they have adopted a new development plan for their administrative area. The applicable plan for the determination of this application is therefore the Dun Laoghaire Rathdown County Development Plan, 2022-2028.
- 5.3.2. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: *"to protect and/or improve residential amenity"*. Part of the southern boundary of the site is subject to a Development Plan objective: *"to protect and preserve Trees and Woodlands"*. The land use zoning 'A' objective applies to the adjoining and neighbouring properties to the north, north east and south west of the site. To the south the site is adjoined by land zoned 'F' with these lands having the stated land use zoning objective: *"to preserve and provide for open space with ancillary active recreational amenities"*.
- 5.3.3. Chapter 2 sets out the Development Plans Core Strategy.
- 5.3.4. Section 4.1 of the Development Plan sets out the five Strategic Outcomes that underpin the Development Plan as follows:
- Climate Resilience County.
  - Compact and Connected County.
  - Liveable County of Towns and Villages.
  - Inclusive and Healthy County.
  - Vibrant Economic County.
- 5.3.5. Chapter 12.3 of the Development Plan deals with the matter of Neighbourhood, People, Homes, and Place. It sets out: *"guidance on qualitative, quantitative, and development management criteria for sustainable neighbourhood infrastructure and residential developments"*; and states that: *"these requirements will form the basis for evaluating planning applications for residential development and their respective supporting neighbourhood infrastructure with a view to improving the quality of life in Dún Laoghaire-Rathdown"*.
- 5.3.6. Section 12.3.7.7 of the Development Plan deals with the matter of Infill in accordance with Policy Objective PHP19. It sets out that: *"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. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status or similar".* It also sets out that reference be had to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites. The nearest Natura 2000 site is Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), which is located approximately 2.68km to the east of the site.
- 5.4.2. The site is also located c398m to the north west of Dalkey Coastal Zone & Killiney Hill, proposed Natural Heritage Area (Site Code: 001206).

#### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature, extent and scale of the proposed development which comprises of the construction of a new dwelling, provision of a new vehicular entrance together with all associated site works and services in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

- 6.1.1. The Third-Party Appeal can be summarised as follows:
- The Board is sought to overturn the Planning Authority's decision on the basis that it is contrary to the land use zoning objective 'A' and the proper planning as well as sustainable development of the area.

- The decision of the Planning Authority is significantly flawed.
- This proposal would have negative impacts upon the visual and residential amenity of the appellants home, which is given as Ballinclea Road, Killiney, and adjoins the subject site.
- The appellant's property is the sole house located on the northern side of the lane.
- The Planning Authority incorrectly stated that only two houses had direct vehicle access onto this lane when there are three.
- There is an issue with on-street car parking along this lane.
- The 2m boundary described in the planning documents as separating the appellants property from the site is not fully *in situ*. The further information indicates that a new boundary fence will be erected entirely on the applicant's site.
- Whilst this submission seeks that the decision to grant permission is overturned it seeks that the Board should they be minded to grant permission impose a condition like that included by the Planning Authority that excludes the ability to undertake exempted development works. They also seek that Condition No. 7 is also upheld which relates to concerns for breeding birds and mammals that may be on site.
- Concern is raised that the grant of permission refers to a 3-bedroom plus study development and not a four-bedroom dwelling as described. This condition is not enforceable.
- The proposed development would give rise to negative overlooking of their property.
- The proposed development would give rise to a loss of sunlight and daylight to key habitable spaces that are lit from the side elevation facing the application site.
- This proposal will result in the loss of one mature tree and a group of four trees. The extent of tree and boundary removal has not been clarified in the documentation provided and the landscape plan does not mitigate the loss of trees.
- The site is heavily overgrown and used by bats for foraging around the edges of the golf course. It is also used by other larger mammals.

- The trees and planting form an intrinsic character of the area that will be denuded by the proposal.
- This proposal has had little regard to the setting which includes their property which has been in situ for c150years through to the historic stone boundary wall.
- The proposed dwelling would be a discordant feature in its setting.
- The need to create an overly wide entrance to facilitate the proposed vehicular access is a concern.
- The reduction in height of the historic stone wall to achieve sightlines are not fully clarified in the documentation provided.
- The Development Plan requires infill housing to respect the height and massing of existing residential units as well as seeks that boundary treatments are retained. This development does not do so.
- The Development Plan requires 75m<sup>2</sup> for a four-bedroom dwelling yet only 67m<sup>2</sup> is provided.
- This proposal will create a dangerous planning precedent in establishing other vehicular entrances onto the lane.
- The works associated with the proposed development will require the digging up, closure of the lane through to would generate significant additional traffic and disruption during construction phase.
- The proposed development, if permitted, would result in serious traffic hazards during construction and when occupied.
- The proposed development, if permitted, would result in a material depreciation of their property value.
- Should the Board grant permission prior to any commencement of development a full structural survey of their property should be undertaken.

## 6.2. Applicant Response

### 6.2.1. The applicant's response can be summarised as follows:

- An overview of the proposed development is given.

- An overview of the appellants grounds of appeal is given.
- A description of the site is given and it is contended to be an ideal location for infill development due to proximity to services, amenities as well as public transport.
- An overview of the development as approved by the Planning Authority is given.
- This proposal is of similar height and scale to neighbouring developments in the area.
- The proposed development is compliant with relevant planning provisions.
- The rear garden private amenity space is 61.7m<sup>2</sup> and is in excess of minimum standards as well as is afforded natural daylight and sunlight thereby increasing its quality as well as useability.
- The proposed dwelling has been designed to respect the existing building profile and heights of the surrounding area.
- No undue residential and/or visual amenity impacts would arise from the proposed development.
- The lane side boundary wall is overgrown and in the main poorly visible. Only a portion of the wall will be removed to accommodate the entrance to the site.
- A comprehensive Ecological Impact Assessment was prepared and it concludes that no adverse ecological impact would arise from the proposed development.
- A Tree Survey concludes no significant impact on the landscape character of the area.
- The Planning Authority did not consider that the proposed development would give rise to any traffic hazard or road safety issue.
- The Board is requested to uphold the decision of the Planning Authority.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to their Planning Officer's report.
- No new issues raised that would justify a change in their decision.

## 7.0 Assessment

### 7.1. Overview

7.1.1. Having carried out an inspection of the site and its setting, alongside having had regard to the information presented by the parties to the appeal and in the course of the planning application as well as all relevant planning policies and guidance, I consider the key planning issues relating to the assessment of the appeal can be considered under the following broad headings:

- Principle of the Proposed Development
- Residential Amenity Impact
- Visual Amenity Impact
- Traffic Impact

7.1.2. In the addition, the matter of '*Appropriate Assessment*' requires examination. This is provided at the end of the assessment below.

7.1.3. For clarity, my assessment below is based on the proposed development as revised by the further information provided by the applicant to the Planning Authority on the 7<sup>th</sup> day of March, 2022, on the basis that this response provides needed clarity on a number of matters including but not limited to the arboricultural and ecological potential impacts of the proposed development.

### 7.2. Principle of Development

7.2.1. In relation to the overall principle of the proposed development, it is of relevance to note that the subject site is zoned as 'A' with the stated land use zoning objective: "*to provide residential development and improve residential amenity while protecting the existing residential amenities*".

7.2.2. In addition, it should also be noted that the surrounding area to the north, north east and south west is similarly zoned and has a mature residential character. In addition, the prevailing pattern of development in the immediate vicinity of the application site is mainly single and two storey conventional housing construction, including vernacular period dwellings and more modern in architectural design dwellings.

7.2.3. The site also bounds by Killiney Golf Clubs grounds to the immediate south by lands zoned as 'F' with these lands having the stated land use zoning objective: "*to preserve*

*and provide for open space with ancillary active recreational amenities”* with part of the site subject to a Development Plan objective: *“to protect and preserve Trees and Woodlands”*.

- 7.2.4. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area. Where public services are available, and that the development of appropriately designed infill housing would typically be encouraged in such areas. Provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties as well as any trees and woodlands thereon through to the recreational amenity value of adjoining ‘F’ zoned lands which in the immediate vicinity of the site comprise of the Killiney Golf Club grounds and course.
- 7.2.5. I am also cognisant that the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’, supports densification of established residential suburban areas like this. With this including infill type development provided that a reasonable and appropriate balance is struck between the protection of the amenities that are sensitive to change, the protection of established character, and the need to provide residential infill.
- 7.2.6. Further, Section 4.3.1 of the Development Plan on the matter of delivering and improving homes sets out that: *“the provision of new homes will be encouraged in suitable locations across the County that support sustainable development (consistent with NPO 33 of the NPF)”*. In addition, Section 4.3.1.2, in tandem with Objective PHP19 of the Development Plan, will seek to densify existing built up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 7.2.7. I note that NPO 33 which is one of the NPF’s National Policy Objectives states the following: *“prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*.
- 7.2.8. Moreover, in relation to NPF of further relevance NPO 35 seeks increased residential density in settlements through a range of measures including infill development and NPO 3a seeks that 40% of all new homes nationally are delivered within the built-up

footprint of existing settlements with NPO3b seeking that at least half of all new homes are targeted in five cities in Ireland and their suburbs including Dublin city.

- 7.2.9. Therefore, having considered the available information on file, including the site context, the transitional land use zoning through to the sensitivity of trees and woodlands at this site as recognised under the Development Plan and relevant planning provisions for the type of development sought under this application, I am satisfied that the general principle of the proposed development is acceptable, subject to safeguards.

### **7.3. Residential Amenity Impacts**

- 7.3.1. The appellant in their grounds of appeal raise concerns that the proposed development, if permitted, would seriously injure their residential amenity. The given basis for this is that the proposed development it would give rise to a loss of privacy, it would give rise to a loss of daylight / sunlight through to it would be a discordant feature when viewed in the context of their period property.
- 7.3.2. Having regard to the location of the house within the site, the orientation of the property, the distance to other properties, including the appellants property, the pattern of development, I do not consider that the proposal would give rise to any significant material significant adverse impacts by way of overlooking, visual overbearance, overshadowing and/or loss of sunlight / daylight that could be considered out of context with its suburban location where some level of impact is to be expected from development of adjoining and neighbouring land.
- 7.3.3. In this context the proposed dwelling seeks to be subservient in its dormer-built form through to includes opaque glazing to minimise potential to arise from first floor level on the appellants adjoining property. Should the Board be minded to grant permission I consider that the use of permanent glazing for windows addressing the appellants property at first floor level can be required by way of an appropriately worded condition and that such a condition should be provided as a precaution to safeguard this adjoining property's amenities from any undue overlooking.
- 7.3.4. Further, the lateral separation distance between the proposed dwelling and that of the appellants property is also not out of character with the established pattern of residential development that bounds this transitional zoned suburban land.

- 7.3.5. Notwithstanding, I consider that the use of a 2m boundary high fence between the appellants property and the subject site is out of character with the boundary treatments characterising properties on this side of Golf Club Lane as well as it would be out of character with the historic stone wall to the front. Moreover, it does not offer a long-term sustainable solution to demarcate the two properties. As such I consider that should the Board be minded to grant permission that they consider a condition that requires the provision of a more appropriate to site context and setting boundary treatment. I also recommend that this wall be of solid construction and faced in stone on both sides so as to ensure the boundary treatments successfully assimilate with their setting.
- 7.3.6. In relation to the residential amenity for future occupants I concur with the Planning Authority that these are consistent with local and national planning provisions as well as guidance for the type of dwelling unit proposed subject to limiting its bedrooms to a maximum of three so that the private open space is consistent with the requirements of the Development Plan. On this point I note that the private open space proposed to the rear totals 61.7m<sup>2</sup>. I further note that the planning application form sets out that the dwelling sought is a 3-bedroom dwelling. This is further reiterated by the applicant in their further information response and with the annotations provided for the use of the interior rooms submitted with it.
- 7.3.7. Under the Development Plan requirements, the minimum private open space requirement for a three-bedroom house is 60m<sup>2</sup> whereas a four-bedroom dwelling or more requires a minimum provision of 75m<sup>2</sup>.
- 7.3.8. In this circumstance, should the Board be minded to grant permission I consider that this matter can be dealt with by way of condition similar to Condition No. 2 and 5 of the Planning Authority's notification to grant permission.
- 7.3.9. Based on the above considerations, together with having regard to the overall height, built form, scale and architectural treatment of the proposed development, I do not consider that the proposed development would give rise to any undue residential amenity impact or would the proposal, if permitted, impact property values in the area including that of the appellants property. I am also of the view that the proposed development would be consistent with the land use zoning objective which seeks to

protect and/or improve residential amenity in that it provides a balance between these two objectives.

#### **7.4. Visual Amenity Impact**

- 7.4.1. Section 12.3.7.7 and Policy Objective PHP19 of the Development Plan which deals specifically with the matter of '*Infill*' development requires such developments to respect the height and massing of existing residential units. It also requires such development to retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.
- 7.4.2. In this regard, the appellant raises concerns that the proposed development would give rise to a section of historic stone wall being lost to accommodate a vehicle entrance as well as a result of the loss of natural features from the site.
- 7.4.3. The further information provided by the applicant clarifies that the loss of natural features would be minimal with its Tree Survey indicating that the tree cluster to be removed are self-seeded of low quality and that the Wych Elm tree through of fair quality is suffering from decay as well as is structurally defective.
- 7.4.4. A Tree Survey was prepared for the applicants which concluded that the tree cluster to be removed was of a low quality and that the Wych Elm Tree was of fair quality but suffered from decay and was structurally defective. It also sets out that the remaining trees which are of good quality, which bound the site as well as are afforded protection would be safeguarded during construction works by using robust fencing measures in compliance with BS5837:2012.
- 7.4.5. I also note that this report and the Ecological Impact Assessment set out that no adverse impacts would arise for foraging of any species, including bats and that the development would not give rise to any adverse ecological impact.
- 7.4.6. Notwithstanding this conclusion, given the transitional character of the site and setting which I note adjoins recreational green open space. Together with the prevalence of mature trees and other natural features in the immediate as well as wider context any grant of permission would in my view as a precaution need to have regard to the potential of this site and the trees thereon for foraging.
- 7.4.7. I am of the view that the loss of natural features to facilitate the proposed development is minimal. That their loss would not compromise the trees of qualitative value on the

southern boundary of the site which are afforded protection under the Development Plan under the objective “*to protect and preserve Trees and Woodlands*” or would it compromise the sylvan character of the immediate site setting.

- 7.4.8. In relation to the provision of the vehicle entrance and the roadside boundary. This component of the proposed development was subject to further design revisions as part of the further information response. I observed during my site inspection that at present the historic wall is substantially covered by ivy and in places where visible it would appear that it is being structurally compromised by the growth of ivy as well as lack of maintenance. This wall forms part of a longer stretch of historic stone wall that adds to the character of Golf Club Lane but is not afforded any specific protection. On the opposite side of the lane there are a small number of vehicle entrances.
- 7.4.9. Subject to respectful restoration and use of materials that match its external stone finish I consider that the provision of the vehicle entrance, pillars through to the lowering of sections of the flanking walls would not give rise to significant visual diminishment of the visual amenities of its setting. The latter could be achieved by way of condition in the event of a grant of permission by the Board.

## **7.5. Traffic**

- 7.5.1. During the course of my site inspection, I observed a low volume of traffic on Golf Club Lane. The traffic I did observe along the lane was primarily generated from the Killiney Golf Club car park which is located at its end point.
- 7.5.2. I also observed that there is an issue of *ad hoc* parking along this lane which does result in obstruction for the safe movement of traffic in both directions due to the width of the lane being unable to accommodate two vehicles journeying in opposite directions.
- 7.5.3. I further note that the lane itself at its entrance contains a speed ramp, it has a posted speed limit of 10kmph, it contains no pedestrian footpaths, at points along it contains utility poles on the edge of its roadside carriage as well as in places double yellow lines and other markings.
- 7.5.4. I am of the view that the proposed 3-bedroom dwelling house which proposes two car parking spaces as is required for this size of dwelling unit under the Development Plan

provisions would not give rise to any significant additional volumes of traffic along this low speed lightly trafficked cul-de-sac lane.

7.5.5. I am not convinced that the proposed development would give rise to any undue traffic hazards or road safety issue when construction works are completed, and the dwelling occupied. It would however be appropriate that parking of vehicles during the period of construction works is addressed as part of a Construction Management Plan to ensure that during this phase it does not give rise to any undue nuisance to road users. Further, in this low speed environment I do not consider that the vehicles accessing and egressing from the proposed off-street car parking spaces would give rise to any adverse road safety hazard for existing users.

7.5.6. Based on the above considerations I am not of the view that the proposed development warrants refusal on the basis of traffic hazard and/or road safety concerns.

#### 7.6. **Other Matter Arising**

7.6.1. **Porch:** The Planning Authority's notification to grant permission omits the front porch (Note: Condition No. 3). The applicant raises no objection to this. The omission of the porch allows for improved access to the side and the rear of the dwelling alongside in my view achieves a more appropriate lateral separation distance between the dwelling house and the southern boundary of the site.

7.6.2. **Services:** There appears to be no capacity issues in accommodating connection to public mains water and drainage subject to standard safeguards. I therefore raise no significant concern in relation to this matter.

7.6.3. **Bats & Tree Protection:** Should the Board be minded to grant permission I recommend as a precaution that they include Condition No. 7 of the Planning Authority's notification to grant permission. In tandem Condition No. 8 of the Planning Authority should also be included in order to safeguard the natural features of quality and merit that bound the southern boundary of the site.

7.6.4. **Invasive Tree Species:** Given the presence of invasive tree species on site should the Board be minded to grant permission for the proposed in the interest of safeguarding the biodiversity of the area and controlling the spread of such species I

recommend that they include Condition No. 6 of the Planning Authority's notification to grant permission.

7.6.5. **Devaluation:** The appellant has not substantiated by way of appropriate professional evidence how and the extent of any material devaluation would arise from the provision of a dwelling in what is essentially a residential suburban area. As such on the basis of the information provided I am not satisfied that it can be concluded that the proposed development, if permitted, would give rise to any material devaluation of their property.

7.6.6. **Section 34 (13) of the 2000 Planning and Development Act, 2000, (as amended):** Should the Board be minded to grant permission I recommend that it includes the above Section of the said Act as a precaution on the basis of the potential for works along boundaries of the site requiring permission of third parties to be implemented. This Section of the Act states that a person is not entitled solely by reason of a permission to carry out any development and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

## 7.7. **Appropriate Assessment**

7.7.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the separation distance to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 **Recommendation**

8.1. I recommend that permission be **granted**.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, the pattern of development in the area and to the nature, form, scale design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. It is also considered that the proposed development would not give rise to any traffic related inconvenience. The proposed development would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 7<sup>th</sup> day of March, 2022, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

3. The development hereby permitted shall comprise of a three-bedroom dwelling house, as shown in the plans and particulars lodged with the Further Information response only.

**Reason:** In the interests of clarity and to ensure adequate provision of private open space amenity for occupants of the proposed dwelling.

4. The porch proposed to the front of the dwelling shall be omitted in the development hereby permitted.

**Reason:** In the interest of orderly development.

5. The windows on the northern first floor elevation shall be permanently glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the proposed houses without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwellings.

7. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and in the interest of protecting the adjoining zoned open space land.

8. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

11. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, complete details of all proposed boundary treatment within and bounding the proposed development site. This shall include for the following:

- a) The piers, including coping, of the proposed vehicular access onto Golf Club Lane shall not exceed a height of 1.1m.
- b) Any gate to the proposed relocated vehicular access on Golf Club Lane shall not be an automatic electronic gate in accordance with Section 12.4.8.1. Vehicular Entrances and Hardstanding Areas.
- c) The width of the proposed access shall be a maximum of 3.5m.
- d) Gates at the entrance shall be designed so that they are not capable of being opened outwards.
- e) The piers and all modifications to the lane side boundary shall match the existing stone finish of the existing boundary wall.
- f) The 2m timber fencing to the side and rear boundaries shall be omitted. In their place a solid 2m in height boundary wall, faced in stone or other suitable external facing on both sides as agreed with the planning authority shall be provided to the side and rear boundaries.

**Reason:** In the interests of traffic safety, visual and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

13. Prior to the commencement of development, an Invasive Species Treatment and Management Plan, prepared by an appropriately qualified Invasive Species, specialist, shall be submitted to and agreed in writing by the Planning Authority (Biodiversity Officer). The Invasive Species Treatment and Management Plan shall detail the location, extent, and proposals for the removal of any invasive species and contaminated soils on site.

**Reason:** In the interest of biodiversity.

14. No works shall be carried out on site between March – August (inclusive), unless otherwise agreed in writing with the Planning Authority (Biodiversity Officer), following the submission of a report from a qualified ecologist which clearly establishes that no breeding birds or mammals are present on site.

**Reason:** In the interests of biodiversity.

15. The development shall be carried out in accordance with measures set out in the Arboricultural Report, as received with the Further Information on the 7<sup>th</sup> day of March, 2022.

**Reason:** In the interest of orderly development.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust management measures, protection of the trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste through to

management of traffic arising from construction works, deliveries and removal of waste.

**Reason:** In the interests of public safety and residential amenity.

17. All necessary measures shall be taken by the Applicants and Contractors to avoid conflict between construction traffic/activities and all other road users, particularly pedestrians and other vulnerable road users on Golf Club Lane, during construction works.

**Reason:** In the interests of public safety.

18. The Applicants and Contractor shall prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

**Reason:** In the interest of public safety.

19. 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.

**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.

**Advisory Note:** The applicant/developer is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'. Thus, any grant of permission for the subject proposal would not in itself confer any right over private property.

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Patricia-Marie Young  
Planning Inspector

22<sup>nd</sup> day of December 2022