



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313577-22

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<b>Development</b>	The demolition of the existing shed/garage building and the construction of 2 no. detached dwellings fronting onto Brideswell Lane and all ancillary site development works.
<b>Location</b>	104 Boot Road, Clondalkin, Dublin 22.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22A/0062
<b>Applicant</b>	John Dunne.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of Permission.
<b>Type of Appeal</b>	First Party against Refusal of Permission
<b>Appellant</b>	John Dunne.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	03/10/2022.
<b>Inspector</b>	Enda Duignan

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## **1.0 Site Location and Description**

**1.1.** The appeal site has a stated area of c. 0.051ha. and is located within the established residential area of Boot Road in Clondalkin, Dublin 22. This area of Boot Road is characterised by two storey dwellings in terraces of four, with typically long rear gardens. The appeal site has a frontage to Brideswell Lane to the east and in likelihood would have historically formed a portion of the private amenity space associated with No. 104 Boot Road. The laneway runs along the eastern boundary of the terraces of dwellings (89-103) and mostly parallel to the Fonthill Road further to the east. I note an existing service station which is accessible from Fonthill Road is located to the east of the appeal site, on the opposite side of Brideswell Lane.

**1.2.** The site currently comprises a single storey garage structure located adjacent its eastern site boundary which appears to be in use as a commercial vehicle repairs business. The remainder of the site is covered in hardstanding and is utilised for the storage of vehicles. It was evident upon inspecting the site and surrounds that a large number of commercial businesses are in operation along this laneway, the majority of which are vehicle repairs or associated businesses. I also note that a childcare facility is in operation at the northern end of the laneway. It was evident that a significant number of vehicles are informally parked along the laneway are likely associated with the operation of the existing commercial businesses. I note that there is no direct pedestrian access from the laneway to Fonthill Road to the east.

## **2.0 Proposed Development**

**2.1.** Planning permission is sought for the demolition of the existing structures on site and the construction of 2 no. detached, double storey dwellings on site. The proposed dwellings have a gable side pitched roof form with a single storey flat roof element extending to the rear. The proposed dwellings shall comprise an entrance hall, store, WC and open plan kitchen/living/dining room at ground floor level and 2 no. bedrooms, storage and a bathroom at first floor level.

**2.2.** Private open space will be provided to the rear (west) measuring c. 80sq.m. and c. 88sq.m. respectively and will be directly accessible from the ground floor kitchen/living/dining room. Car parking for 2 no. cars will be provided to the front and

side of House No. 1 and to the side of House No. 2. In terms of materials and finishes, the proposed dwelling will have a rendered finish for the principal elevations with a blue/black tiled roof.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority refused planning permission for the following 1 no. reason:

1. “The proposed development, by reason of its location within Brideswell Lane and the associated lack of pedestrian and cyclist infrastructure, is considered to constitute piecemeal and haphazard development and would therefore be contrary to Section 11.3.2(iii) of the South Dublin County Council Development Plan 2016-2022. Furthermore, considering the proliferation of informal on-street parking within Brideswell Lane, the inadequate access and navigation route for refuse and emergency vehicles and the substandard design of the car parking provision and layout of the proposed dwellings in terms of safe access and navigation, the proposed development would fail to comply with TM7 Objective 3 of the South Dublin County Council Development Plan 2016-2022 and would endanger public safety by reason of traffic hazard and therefore be contrary to the proper planning and sustainable development of the area.”

#### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

The South Dublin County Council Planning Report form the basis of the decision. The report provides a description of the site and the subject proposal, it sets out the planning history of the site and identifies the site as being located within lands zoned RES of the South Dublin County Development Plan, 2016-2022, which seeks “To protect and/or improve residential amenity”.

The Planning Authority indicate that new residential development is permissible in principle under the RES zoning objective, subject to proposals being in accordance with the relevant provisions of County Development Plan, with specific reference to section 11.3.2 of the County Development Plan. The Planning Authority refer to the transitional nature of the site given its location relative to lands zoned ‘EE’. However,

the Planning Authority does not consider the proposed development to represent an abrupt transition in scale and use at this location. The Planning Authority indicate that they are satisfied that the proposed development largely accords with the content of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the Urban Design Manual. However, having regard to the length of Brideswell Lane and the quantum of commercial premises, the Planning Authority considers that a coordinated approach to development is required in this instance that would take the form of a detailed site analysis and Masterplan for the entire lane, demonstrating adequate residential amenity, refuse and emergency vehicle access and safe pedestrian and cyclist navigation.

Having regard to the relevant policy for backland development, the Planning Authority note that the nature of the businesses along the lane results in a proliferation of informal on-street car parking along the length of the lane, resulting in an environment that is not conducive to residential development. In this regard, the Planning Authority indicates that the proposed development represents piecemeal development that could inhibit the development potential of the rear gardens along the laneway. In order to ensure the appropriate development of the lands along the lane providing a high-quality residential environment with quality residential amenity for existing and proposed residents in the area, it is argued that a plan-led coordinated approach for the development of these lands is required.

In terms of access and parking, it is noted by the Planning Authority that the laneway is a cul-de-sac with no turning head for large vehicles. There is no public footpath along the laneway and very little public lighting. As a result of the proliferation of parking, it is stated that the laneway is significantly narrowed and has become a dangerous environment for pedestrians and cyclists. The Planning Authority conclude that the existing scenario along the laneway is not conducive to the introduction of a residential use which would result in increased pedestrian, cyclist and traffic movements along the laneway, further exacerbating the traffic safety issues along the laneway. In addition, it is stated that the proposed vehicular access for House No. 1 is reliant on traversing the front curtilage of House No. 2 and there appears to be insufficient room to navigate the access point without reversing and turning

manoeuvres out onto the lane, which presents a significant traffic hazard. As such, the proposed dwellings could not operate independently of each other and would be reliant on an agreement between the future residents. A refusal of planning permission is therefore recommended by the Planning Authority.

In terms of archaeology, the Planning Authority note that the application site is partially within a Zone of Archaeological Potential which relates to registered monument No. DU021-16, an ancient road in the area. A suitable condition is recommended should permission be granted for the proposed development.

### 3.2.2. Other Technical Reports

Drainage & Water Services: Report received requesting additional information.

Parks and Public Realm: Report received stating no objection, subject to conditions.

Environmental Health Officer: Report received stating no objection, subject to conditions.

Roads: Report received recommending a refusal of permission.

### 3.3. Prescribed Bodies

Irish Water: Report received stating no objection, subject to conditions.

Transport Infrastructure Ireland: Report received stating no objection, subject to conditions.

### 3.4. Third Party Observations

None.

## 4.0 Relevant Planning History

### 4.1. Appeal Site

**SD19A/0131**: Planning permission granted by the Planning Authority for the demolition of shed buildings; construction of a two storey, 2 No. bedroom detached

dwelling with attic conversion with dormer window within rear roof slope within the side garden of the existing house; vehicular entrance off Boot Road is as existing; connection to all public services; all necessary ancillary site development works.

I note that this permission relates to the lands directly to the west of the appeal site, to the side of No. 104 Boot Road. Works on site had not commenced at the time of the site inspection.

**S01A/0444:** Retention permission refused by the Planning Authority for the retention of the existing work shop unit on site. The application was refused for the following 2 no. reasons:

1. By virtue of noise, noxious emissions and general activity the development would be in conflict with the zoning Objective A "to protect and or improve Residential amenity" and would seriously injure the amenities and depreciate the value of property in the vicinity.
2. The proposed development by itself or by the precedent which the grant of permission would set for similar development in the area, would seriously injure the amenities and depreciate the value of property in the vicinity.

**S01A/0353:** Planning permission granted by the Planning Authority for the provision of car parking on the green area in front of No. 104 Boot Road.

**S01A/0212:** Planning permission refused by the Planning Authority for the construction of a two storey house at end of terrace. The application was refused for the following 2 no. reasons:

1. The foul and surface water drainage systems for the proposed development are seriously substandard with regard to the standards and requirements of the Planning Authority. Therefore the proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would be prejudicial to public health and contrary to the proper planning and development of the area.
2. The proposed development does not provide for car parking spaces to the standards of the Planning Authority. This would result in on-street car parking

which would endanger public safety by reason of traffic hazard. Therefore, the proposed development is contrary to the proper planning and development of the area.

#### 4.2. Surrounds

No. 99 Boot Road (North of appeal site)

**SD19A/0385 (ABP-306855-20):** Planning permission refused by the Planning Authority and granted by the Board for the conversion of an existing single storey structure into a two bed mews dwelling with one reception room; kitchen/dining area; bathroom; rear garden with all associated site works; existing structure will be given a new pitched roof; parking will utilise the existing three spaces off Brideswell Lane.

No. 97 Boot Road (North of appeal site)

**SD22A/0063 (ABP-313559-20):** Planning permission refused by the Planning Authority for the (1) The demolition of the existing shed/garage building to the rear of the existing dwelling; (2) the construction of 1 2-bedroom, 3 person detached single storey pitched roof mews dwelling with attic conversion, and a single storey flat roof rear projection located to the rear of the existing dwelling and fronting Brideswell Lane; (3) the vehicular entrance is off Brideswell Lane; (4) connection to all public services; (5) all necessary ancillary site development works to facilitate this development. The application was refused for the following 1 no. reason:

1. "The proposed development, by reason of its location within Brideswell Lane and the associated lack of pedestrian and cyclist infrastructure, is considered to constitute piecemeal and haphazard development and would therefore be contrary to Section 11.3.2(iii) of the South Dublin County Council Development Plan 2016-2022. Furthermore, considering the proliferation of informal on-street parking within Brideswell Lane and the inadequate access and navigation route for refuse and emergency vehicles, it is considered that the proposed development would endanger public safety by reason of traffic hazard and therefore be contrary to the proper planning and sustainable development of the area."

The application is currently the subject of a First Party appeal.



## **5.0 Policy Context**

### **5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

### **5.2. Design Manual for Urban Roads and Streets (DMURS), 2019.**

### **5.3. Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).**

### **5.4. South Dublin County Development Plan, 2022 -2028 (CDP)**

- 5.4.1. The South Dublin County Development Plan (CDP), 2022-2028 was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022. The site is located within an area zoned ‘RES’ of the current CDP, which seeks “To protect and/or improve residential amenity”. The site has a southern and eastern abuttal with lands zoned ‘EE’ which seeks “To provide for enterprise and employment related uses”.
- 5.4.2. Section 6.8 (Residential Consolidation in Urban Areas) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:
- **Policy H13:** Residential Consolidation Promote and 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

- **H13 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 12: Implementation and Monitoring.

5.4.3. With respect to infill development Section 12.6.8 (Residential Consolidation) of the current CDP notes that development on infill sites should meet the following relevant criteria:

- “Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes...
- ...It should be ensured that residential amenity is not adversely impacted as a result of the proposed development...”

5.4.4. In terms of backland development, Section 12.6.8 of the current CDP also notes that “The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- Be guided by a site analysis process in regard to the scale, siting and layout of development;
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;
- Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance;

- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

## **5.5. Natural Heritage Designations**

- 5.5.1. The nearest designated site is the Rye Water Valley/Carlton Special Area of Conservation (SAC) (Site Code: 001398) c. 8.3km to the north-west of the site. The proposed Natural Heritage Area (pNHA): Grand Canal is also located c. 1.6km to the site's north.

## **5.6. EIA Screening**

- 5.6.1. Having regard to the nature and scale the development, which consists of the construction of a 2 no new dwellings in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted by the First Party (applicant), a summary of which is included below:

- It is stated that a planning application on a site along the laneway (i.e. No. 97 Boot Road) is running concurrently with the proposed development which therefore represents a coordinated approach to provide residential development on the lands. The aim is to fulfil the development potential of undeveloped serviced lands within an existing residential environment.
- The laneway is a cul-de-sac which is maintained by the Local Authority and is well located relative to public transport and easily accessible by car, bicycle and foot.
- The Appellant has referred to the decision at No. 99 Boot Road, whereby the Board granted permission of a dwelling, thereby establishing precedent for development of this nature.
- There are a number of commercial properties operating along the laneway which may not benefit from planning permission and are therefore inconsistent

with the land use zoning objective. It is indicated in the appeal submission that the commercial business operating at No. 104 Boot Road does benefit from planning permission.

- Should permission be granted, the existing commercial operations will cease, thereby reducing the number of vehicles which access and park on the lane.
- The dwelling has been designed to comply with the relevant policies of the County Development Plan and the document Quality Housing for Sustainable Communities.
- The clear width of the lane is a minimum of c. 6m and there is sufficient width to extend the existing footpath to the north and provide a c. 4.5m wide access road.
- Mew houses are synonymous with Dublin and this application seeks to provide much needed dwellings on serviced lands, with an existing residential area, which will aid with the housing crisis.

## **6.2. Planning Authority Response**

- 6.2.1. In a response to the first party appeal dated 8<sup>th</sup> June 2022, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual & Residential Amenity

- Access & Car Parking
- Other Matters
- Appropriate Assessment

## **7.1. Principle of Development**

7.1.1. The proposal seeks planning consent for the demolition of the existing commercial business on site and the construction of 2 no. detached, double storey dwellings on the site. I note the site is located on lands zoned 'RES' of the current CDP, the objective of which is 'To protect and/or improve residential amenity'. I note residential development is identified as a permitted in principle use on lands zoned 'RES'. Having regard to the pattern of development in the surrounding area and the applicable zoning designation, I am therefore satisfied that the principle of a new dwelling at this location is acceptable. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents, and the sustainable planning and development of the area. The following assessment has specific regard to these specific issues. I note that the South Dublin County Development Plan (CDP), 2022-2028, has come into effect after the Planning Authority made a determination on the application.

## **7.2. Visual & Residential Amenity**

7.2.1. As noted in the foregoing, the proposal seeks planning consent to demolish the existing commercial structure on site and construct 2 no. new double storey dwelling in its place. Although the site address is No. 104 Boot Road, the site has a frontage to Brideswell Lane to the east. I note that the appeal site is located at the end of this laneway. As the appeal site and the lands to the north are served by this laneway, I do not consider the proposed development to constitute backland development. I consider the proposal in this instance to comprise an infill development and I therefore refer to the policy included within Section 12.6.8 of the current CDP. I note that the Planning Authority indicated in their assessment of the application that a detailed site analysis was not required in this instance given the size of the appeal site. I would concur with this, and I am satisfied that the scale and height of the proposed dwellings are generally consistent with the pattern of development in the area and also with

permitted development within the surrounds of the appeal site. I am therefore satisfied that the proposal will not detract from the visual amenity of the surrounding area and is therefore acceptable.

7.2.2. The proposed dwellings will each have a total length of c. 9.8m and a maximum height of c. 7.5m above natural ground level. House No. 1 will provide a setback of between c. 2.5m and 4.8m from the site's southern boundary which it shares with a car parking area associated with an existing commercial business to the south of the site. On its northern side, House No. 2 will be set back by between c. 3.1m and 3.4m from the site's northern boundary and will be sited opposite the amenity area associated with No. 103 Boot Road. A separation distance of c. 2.6m is also provided between House Nos. 1 & 2. Having regard to the overall scale, height and form of the proposed dwellings and their set back from their respective side boundaries, I am satisfied that the proposal will not adversely compromise the residential amenity of properties within the vicinity of the site by reasons of overshadowing or by being visually overbearing. However, I recommend the inclusion of a condition requiring the glazing within the first floor level window (i.e. serving stairs) on the northern elevation of House No. 2 to be manufactured opaque and permanently maintained. This measure will preclude direct overlooking of the amenity area of the property to the north

7.2.3. The rear gardens of each dwelling will have a depth of between c. 8.5m and 8.8m and a separation distance of c. 18.4m is provided between the directly opposing first floor level windows (i.e. No. 104 Boot Road and the permitted dwelling to the south). I note the windows on the first floor rear elevation shall serve a landing area and the bathrooms of each dwelling. Having regard to the overall scale, height and form of the proposed dwellings, the separation distances provided from the existing and permitted dwellings to the west and the nature of the rooms the windows serve on the first floor rear elevation, I am satisfied that the proposal will not adversely compromise the residential amenity of properties within the vicinity of the site by reasons of overlooking, overshadowing or by being visually overbearing. In this regard, I consider the proposed development to be acceptable having regard to the residential amenity of the surrounding area.

- 7.2.4. I note the Planning Authority has raised no concerns with the proposed development in terms of its internal floor area requirements and the proposal is considered to be in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). In addition, the dwellings are served by rear amenity space which complies with the relevant development management standards of the current CDP and will therefore afford a good standard of amenity to its future occupants.
- 7.2.5. In their assessment of the planning application, the Planning Authority considered that the proposed development represented piecemeal development that could inhibit the development potential of the rear gardens along the laneway. The Planning Authority had regard to its policy for 'backland development' and it was considered appropriate that a plan-led coordinated approach to the development of these lands is taken in order to ensure the appropriate development of the lands along the lane. Given that there are likely a number of different landowners within the surrounds of the appeal site, I acknowledge the difficulty in this aim being realised. Section 12.6.8 of the current CDP seeks to "avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area". As noted in the foregoing assessment, I am satisfied that the proposal is acceptable having regard to the pattern of development in the area and it will not detract from the residential or visual amenity of the surrounds. I also note that due to the siting and design of the proposed dwelling, I consider that the proposed development will not impact on the development potential of the residential zoned land to the north of the appeal site.
- 7.2.6. Having regard to the foregoing, I am satisfied that the proposed development would in fact represent a more efficient use of a serviced and residential zoned brownfield site which benefits from access to public transport, amenities and services. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a) and which seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints (National Policy Objective 3a). Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) also highlights that the preferred approach to development

would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal. I am therefore satisfied that the development proposal is in accordance with local through to national policy objectives and I recommend that planning permission be granted for the proposed development.

### **7.3. Access & Car Parking**

7.3.1. The Planning Authority has raised significant concerns in relation to the provision of a residential development along a laneway which they note has no pedestrian infrastructure, no public lighting and is difficult to navigate owing to the proliferation of informal on-street car parking. Upon inspecting the site and surrounds, it was evident that there was a high degree of informal parking along the laneway and it would appear that the majority of this informal car parking is associated with the existing commercial premises that operate along the laneway. I'm conscious of the planning history of the surrounding area, including the site at No. 99 Boot Road (SD22A/0062 (ABP-313577-20)). The following relevant commentary was noted in the Board's Order:

- "The Board considered the residential zoning for the site and considered that the character of the laneway would be improved by the proposed development and would not have a negative visual impact on existing or future residential amenity in the area. Furthermore, the Board considered that the dimensions of the laneway are sufficient to accommodate the addition of the proposed residence without endangering public safety by reason of traffic safety."

7.3.2. I note the cessation of the existing commercial use on site is likely to result in a reduced number of traffic movements along this laneway relative to what would typically be generated by a 2 no. modest (2 no. bedroom) sized dwellings with off-street car parking. In addition, the cessation of the existing commercial use on site may also reduce the extent of informal parking associated with its use. A use which I note is currently in conflict with the applicable 'RES' zoning objective of the site and the lands further to the north along the laneway. The Planning Authority's Roads Department have confirmed in their report on file that Brideswell Lane is taken-in-charge by the Local Authority. As the laneway is not in private ownership, it is therefore reasonable



to assume that appropriate measures could be introduced by the Local Authority to control informal car parking within this area such as provision of double yellow lines. I note that measures such as this are outside the control Applicant.

7.3.3. I acknowledge that the Planning Authority have raised concerns with respect to the proliferation of informal on-street parking within Brideswell Lane and the inadequate access and navigation route for refuse and emergency vehicles as result. However, I am conscious that there are currently commercial uses in operation along this laneway which would also generate a demand for refuse and emergency vehicles. Given the width of the existing laneway (i.e. c. 6m) and by the fact the proposal will result in the cessation of an existing commercial business, I am satisfied that the proposal will not endanger public safety by reason of traffic hazard and can represent an improvement on the existing situation. I again note that the laneway is taken-in-charge by the Planning Authority and there is therefore an opportunity to both control informal/illegal parking along the laneway and incorporate public works if deemed appropriate which further enhance pedestrian safety, including for example the provision of a pedestrian footpath and improved public lighting. I am therefore satisfied the proposed development will provide for an enhancement of the existing laneway and is therefore in accordance with the proper planning and sustainable development of the area.

7.3.4. In terms of car parking, the Planning Authority's Road's Department notes that an issue arises for those accessing House 1 and the need to cross the private curtilage of House 2 to do so. It is stated that traffic leaving House 1 must do so by reversing out through the front curtilage of their next-door neighbour's house. I note that a section of the existing wall to the front of House 1 is proposed to be reduced to a height of c. 1.2m. The remainder of this wall further to the south is proposed to be retained at its current height. In order to address the concerns of the Planning Authority, I recommend the inclusion of a condition which shall require the Applicant to provide for the demolition of the existing eastern wall in its entirety. The removal of this wall shall facilitate independent access and egress to each of the proposed dwellings. Subject to compliance with this condition, I deem the proposal to be acceptable.

#### **7.4. Other Matters**

7.4.1. The Planning Authority recommended a condition with respect to archaeological monitoring given its partial location within a Zone of Archaeological Potential which relates to registered monument No. DU021-16. I note under the current CDP, the site no longer falls within a Zone of Archaeological Potential and the inclusion of this condition is therefore no longer relevant.

7.4.2. Given the lack of proposals with respect to surface water drainage, the Planning Authority's Water Services section recommended that additional information be submitted prior to a determination on the application being made. It is therefore considered reasonable to attach a condition requiring the Applicant to submit details of same for the written agreement of the Planning Authority prior to the commencement of development on site.

## **7.5. Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, the construction of 2 no. dwellings on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered 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

## **8.0 Recommendation**

8.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

9.1. Having regard to Project Ireland 2040: The National Planning Framework, and its relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the South Dublin County Development Plan, 2022-2028, including the 'RES' zoning objective for the site, the specific characteristics of the site, the pattern of development in the surrounds and the character and dimensions of the laneway, 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 or of property in the vicinity, would not endanger public safety

by reason of a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The Applicant shall provide for the demolition of the existing boundary wall (eastern) to Brideswell Lane in its entirety. Details of all boundary and surface treatments shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of residential amenity and to facilitate independent vehicular access and egress to each of the proposed dwellings.</p>
3.	<p>The glazing within the first floor level window (i.e. serving stairs) on the northern elevation of House No. 2 shall be manufactured opaque and permanently maintained.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>

6.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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>

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Enda Duignan  
 Planning Inspector

01/11/2022