



An
Bord
Pleanála

Inspector's Report

ABP-313794-22

Development	Construction of house and associated site works.
Location	1 Marley Rise, Rathfarnham, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD22A/0085
Applicant	Martina Murphy.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party against Refusal of Permission.
Appellant	Martina Murphy.
Observer(s)	None.
Date of Site Inspection	03/11/2022.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 1 Marley Rise, Rathfarnham, Dublin 16. The site has a stated area of c. 0.0233ha. and is located on a corner, c. 30m to the west of the junction of Marley Rise and Marley Avenue. The appeal site comprises the side garden of No. 1 Marley Rise. The existing dwelling on site is a double storey, semi-detached dwelling with an area of amenity space to its side and rear. It is noted there are existing clearway markings on both sides of the road to the west of the site and adjacent to the northern side boundary.
- 1.2.** In terms of the surrounds, the site is located within the established residential area, which is typically characterised by semi-detached, double storey dwellings of a similar architectural style. An existing primary school is located to the west of the appeal site with a Church located further to the south-west.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the construction of a double storey, flat roof dwelling within the side amenity area of the existing dwelling on site. The proposed dwelling will have a floor area of c. 122sq.m. and shall comprise an entrance hall, living room, kitchen/dining room and WC at ground floor level and 3 no. bedrooms (1 bedroom with ensuite) and a bathroom at first floor level.
- 2.2.** Private open space will be provided to the rear (east) measuring c. 60sq.m. and will be directly accessible from the ground floor kitchen/dining room. Car parking for 2 no. cars will be provided to the rear of the dwelling and will be accessible via new vehicular entrance at the eastern end of the site's northern boundary to Marley Rise.
- 2.3.** The proposed dwelling will have a contemporary architectural expression with a flat roof form. In terms of materials and finishes, a combination of a brick and render is proposed for the principal elevations.
- 2.4.** In terms of boundary treatments, the proposal seeks to reduce the height of the existing boundary wall proximate to the proposed vehicular entrance. A new c. 2m

high fence is proposed to delineate the rear amenity space from the existing dwelling on site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused planning permission for the following 2 no. reasons:

1. “The proposed development, by reason of the introduction of a new vehicular access that would be situated on a bend in the road, would result in an increase in traffic movements and associated traffic hazard at this location. Furthermore, due to the proximity of the development to the neighboring National School, it is considered that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians. Accordingly, it is considered that the proposal would contravene TM7 Objective 3 of the South Dublin County Council Development Plan 2016 – 2022: ‘To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape’ and would be contrary to the proper planning and sustainable development of the area.
2. Due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health.”

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 report also provides a summary of the matters raised in the observation on file and set outs the policy at local through to national level that is relevant to the development proposal.

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(ii) of the County Development Plan. 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, would be acceptable in design terms, would provide appropriate private open space for the existing and proposed dwellings and would be generally acceptable having regard to the residential amenity of properties within the vicinity. However, the Planning Authority indicate that the proposal would not comply with Section 11.3.2 of the SDCC Development Plan 2016-2022 which requires applicants to submit a site analysis for developments of this nature.

In terms of vehicular access, the report notes that the Planning Authority has serious concerns in relation to the introduction of an additional vehicular access on the crown of a bend which creates more traffic movements and increases traffic hazards at this location. Based on the information submitted with the application, the Planning Authority is not satisfied that the proposal would not result in unsafe traffic and pedestrian conditions. It is stated that the generation of additional traffic/turning movements at this location and close to a National School would endanger public safety by reason of a traffic hazard.

The Planning Authority refer to the report from Surface Water Drainage which requests additional information to be submitted prior to a determination on the application. However, the Planning Authority note that due to insufficient information being submitted regarding requirements for Surface Water Drainage, they are not satisfied that the proposed development would not be prejudicial to public health.

A refusal of planning permission is therefore recommended by the Planning Authority for 2 no. reasons.

3.2.2. Other Technical Reports

Surface Water Drainage: Report received requesting additional information.

Parks and Public Realm: 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.

3.4. Third Party Observations

One (1) no. observation was received on file. The issues raised within the observation can be summarised as follows:

- Marley Rise is the main traffic route to the nearby school and church and the proposed vehicular entrance on a bend will have limited visibility of traffic. It is stated that a new vehicular entrance at this location will increase the risk of road traffic accidents in the area and would be a traffic hazard.
- Concerns with respect to the design of the proposed dwelling which is not in keeping with the character of the surrounding area.
- Drainage related concerns.

4.0 Planning History

4.1. Appeal Site

SD20A/0328: Planning permission refused by the Planning Authority for the construction of a 1 no. 2-storey, 3 bedroom dwelling. The application was refused for the following 2 no. reasons:

1. The introduction of an additional vehicular access on the bend in the road would create more traffic movements and increase traffic hazards at this location. At the proposed dwelling, the angle of driving onto the carriageway is such that additional traffic hazard is created by these vehicle movements due to a compromised sightline visibility. There would also be insufficient space on site to provide for 2 car parking spaces. In the proposed car parking layout there would be no turning room on curtilage and therefore there would be difficult reversing movements necessary (either entering or leaving) to access the proposed parking spaces detailed. The generation of additional traffic/turning movements at this location and close to a national school would therefore

endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the shape and shallow depth of the proposed rear amenity space, which is approx. 6.1 m. and with the retention of the trees along the eastern boundary, which is welcomed, the proposed development would leave insufficient useable rear amenity space. Furthermore, the remaining rear amenity space for the existing dwelling at No. 1 Marley Rise has several structures located to the rear of this dwelling which would leave insufficient amenity space. It is therefore considered that the proposed development by way of insufficient, usable amenity space would be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

SD19A/0375: Planning permission refused by the Planning Authority for the erection of 1 no. two storey dwelling house. The application was refused for the following 2 no. reasons:

1. The proposal would fail to provide an adequate standard of accommodation for future residents of the dwelling by reason of the undersized nature of the dwelling, the poor quality, quantity and usability of private amenity space and the restricted levels of outlook and access to natural light. The proposal would therefore be contrary to: Policy H11 Objective 1 Residential Design and Layout, Section 11.3.1(iv) relating to minimum space standards and minimum private open space for houses, Policy H13 Private and Semi-Private Open Space of the South Dublin County Council County Development Plan (2016-2022). Thus, the proposed development would be contrary to the proper planning and development of the area.
2. It has not been properly demonstrated that the proposed vehicular crossing and height of the boundary walls would provide proper visibility and safe conditions for traffic and pedestrians alike. Thus, it has not been satisfactorily demonstrated that the proposed development would not give rise to traffic hazard.

SD19A/0071: Planning permission refused by the Planning Authority for the construction of 2 no. one-bedroom semi-detached dwellings; connection to existing services; widening of entrance to 7 metres to accommodate new development; all associated site works and services. The application was refused for the following 4 no. reasons:

1. A 7.0m width entrance is excessive and will be a hazard for pedestrians using the footpath, particularly school children. The proposed driveway entrance will result in a large bank of car parking from 3 dwellings. The orientation of the car parking in relation to the roadway will require a reversing manoeuvre onto the roadway which is on a bend. This site is located in close proximity to an existing national school and there are keep clear road markings on the road directly outside of the site, which are associated with the school. The proposed driveway entrance will create an undesirable streetscape for pedestrians, particularly school children. The location of the access serving the proposed development would endanger public safety by reason of traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. 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 proposed dwellings. The proposed development would provide poor residential amenity for future occupants of the proposed dwelling and materially contravene the provisions of the South Dublin County Council Development Plan 2016 - 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The internal layout does not provide sufficient storage space in either dwelling. Storage areas are intended to accommodate the storage of bulky personal or household items and household utility functions such as clothes washing, the use of bedroom space for such a large proportion of store space is not acceptable. Failure to provide sufficient internal space constitutes over development of the site. Furthermore, the soffit and gutter for the existing roof will be overhanging the garden of the proposed dwelling (House B), and would result in the requirement for unsafe practice in terms of gable and gutter

maintenance due to the lack of ladder space availability and the need to access private property to carry out maintenance. Having regard to the above, the development is not compliant with the provisions of the 2016-2022 South Dublin County Development Plan and would materially contravene the zoning objective 'RES' which is 'to protect and /or improve residential amenity'.

4. Insufficient details have been submitted in terms of the proposed surface water and drainage systems, therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practice for Drainage Works or with the Irish Water Standard Details.

SD06A/1044/EP: Extension of Duration granted by the Planning Authority for the construction of a 2 storey 3 bedroom detached house to side garden, incorporating 3rd bedroom in attic space with new vehicular entrance to front: permission sought is on foot of previously approved outline permission SD05A/0880.

SD06A/1044: Planning permission granted by the Planning Authority following a grant of Outline Permission for the construction of a 2 storey 3 bedroom detached house to side garden, incorporating 3rd bedroom in attic space with new vehicular entrance to front: permission sought is on foot of previously approved outline permission SD05A/0880.

SD06A/0703: Planning permission refused by the Planning Authority for the construction of a two storey three bedroom detached house with basement and partial removal of side boundary wall and replace with cast iron railings to same height to side garden with new vehicular entrance to front and are also applying for planning permission for removal of hip to roof of existing house and replace with new gable wall, with two new dormer windows to attic at rear and to relocate and widen existing vehicular entrance to front.

SD05A/0880: Outline permission granted by the Planning Authority for the construction of a 2 storey three bedroom detached house to side garden, incorporating third bedroom to attic space with new vehicular entrance to front.

S00A/0262: Planning permission refused by the Planning Authority for the construction of a 2 storey extension and conversion of garage to pre-school at side.

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 22nd June 2022 and came into effect on 3rd August 2022. The site is within an area zoned ‘RES’ of the current CDP, which seeks “To protect and/or improve residential amenity”. All lands within the surrounds of the subject site are also zoned ‘RES’.

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 3:** To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 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. With respect to corner/side garden sites, Section 12.6.8 of the current CDP also notes that “Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.

- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

5.5. Natural Heritage Designations

- 5.5.1. The nearest designated sites are the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122) and the Wicklow Mountains Special Protection Area (SPA) (Site Code: 004040) c. 5km to the south of the site. The proposed Natural Heritage Area (pNHA): Dodder Valley is also located c. 3.9km to the site's west.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale the development, which consists of the construction of a new dwelling 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 on behalf of the First Party (applicant), a summary of which is included below:

- In response to Refusal Reason No. 1, the appeal submission refers to the submitted Transportation Report prepared by Stephen Reid Consulting Traffic and Transportation Ltd.
- The Transportation Report notes that the site was visited during school run periods and outside of school run periods and it is stated that there are brief periods of approximately 20-30 minutes twice per day during term time when there are pedestrian demands along the southern footpath on Marely Rise. It is stated that outside these times, there is almost no pedestrian activity and low volumes of traffic activity related to the fact that the road is a cul-de-sac and across the daytime period there are typically very limited demands for access to the church car park located further to the south.
- There is a direct footpath connection along the northern side of Marley Rise to the school gate. Pedestrians using the southern footpath are limited to those who have arrived from the southern arm of Marley Avenue.
- It is highlighted that there is pedestrian access to the school from the church car park and it is therefore likely to be utilised for drop offs/pick ups instead of Marley Rise or Marley Avenue.
- The current speed limit on Marley Rise is 30kmph. Following a site visit, it was noted that Marley Rise is commensurate with a slow zone environment and therefore the street is self regulating which has been confirmed by the driven speed observations. Notwithstanding this, the ambient speed or design speed is likely to be in the order of 20kmph.
- It is stated that the Applicant intends to live in the dwelling and would therefore be fully aware of local conditions. The Applicant has advised that it is likely there would only be one car using the proposed access on a daily basis with occasional use of the visitor space.
- The Planning Authority's reference to TM7 Objective 3 in the refusal reason has been taken out of context.

- The works to the boundary wall will ensure intervisibility between the driver and pedestrians and there is currently public lighting in place at this location.
- There is a relatively high level of permeability and public transport connectivity, thereby reducing the need to travel by car for commuting and leisure purposes.
- Further works to the boundary wall could be conditioned to enhance intervisibility at this location.
- In response to the Refusal Reason No. 2, the appeal submission refers to submitted Drainage Report prepared by Tanner Structural Designs Ltd. The Drainage Report indicates that the statements included within the Planning Authority's internal report are completely untrue as a drainage plan and drainage report which included percolation tests accompanied that planning application.
- The percolation tests results were used to calculate the size of the soakaway required to deal with the stormwater runoff from the site, the location of which is shown on the submitted drainage plan. It is noted within the report that the proposal meets the requirements of SuDS.

6.2. Planning Authority Response

- 6.2.1. In response to the first party appeal, 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 reasons 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
- Access & Car Parking
- Drainage
- Visual & Residential Amenity
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The proposal seeks planning consent for the construction of a new double storey dwelling within the side garden of the existing dwelling on site. I note that 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 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 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. Access & Car Parking

7.2.1. Following a review of the application documents and the material on file, it is evident that the core concerns of the Planning Authority relate to the introduction of a new vehicular entrance at this location and the potential for a traffic hazard given the location of the site on a corner and its location relative to the existing national school located to the west of the site. It was considered by the Planning Authority that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians, and it would contravene TM7 Objective 3 of the South Dublin County Council Development Plan, 2016 – 2022. I acknowledge the extensive planning history of the appeal site and the number of recent refusals that apply to the lands. I also note that planning permission was previously granted for a dwelling at this location which utilised an alternative access arrangement, whereby vehicular

access was provided from the west and car parking was provided within the dwelling's front setback. This permission has now expired.

- 7.2.2. In an attempt to overcome the reason for refusal under Reg. Ref. SD20A/0328, the Applicant has now relocated the vehicular entrance from the western end of the splayed northern boundary to its eastern end. The Planning Authority's Roads Department have noted in their report on file that any additional openings to the public roadway on this bend are likely to introduce significant risk to pedestrians and children walking to school and a refusal of planning permission is recommended. I note that the Planning Authority's Planning Report indicates that the Roads Department have recommended suitable conditions, in the event that planning permission is contemplated for the proposed development. Although the appeal is located on a corner, the northern site boundary to the west of the proposed vehicular entrance is splayed and there is a clear way along the southern side of Marely Rise along the majority of the site's northern boundary, whereby car parking is prohibited.
- 7.2.3. The proposal seeks to provide car parking for 2 no. cars within a set down area to the rear of the dwelling. From a review of the submitted swept path diagrams, cars are required to reverse into the site in order to then exit the site in a forward motion. Although the proposal includes modifications to the existing boundary wall, I would share the concerns of the Planning Authority in this particular instance given the likelihood for cars to reverse out of the site. This has the potential to endanger pedestrians by reason of a traffic hazard, a risk which is likely to be exacerbated given the location of the appeal site relative to the existing school to the west of the site and the number of pedestrians that may utilise this footpath at peak times. Although the requirement for cars to reverse onto the public footpath and roadway to exit sites is a typical arrangement in the surrounding street network, I note that the appeal site differs insofar as it is located on a corner and views of the entrance from the east may be impeded by the existing boundary wall and landscaping of the property to the east.
- 7.2.4. As per Table 12.26 of the current CDP, maximum car parking standards apply to residential development and a maximum of 2 no. spaces should be provided on site for a 3 no. bedroom dwelling (Zone 1). Section 12.7.4 (Car Parking Standards) notes

that the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable in certain circumstances. I note that the appeal site is well served by public transport, with existing bus stops (Bus Route Nos. 16 & 16D) located c. 500m to the west of the appeal site, and additional bus stops (Bus Route Nos. 116, 161, 175, 16 & 16D) located on Grange Road to the south-west (within c. 600m walking distance). I also observed an availability of on-street car parking with the surrounds of the appeal site when inspecting the appeal site and surrounds. As detailed throughout this report, the principle of the proposed development is acceptable at this location and the principal concerns relate to the provision of a new vehicular entrance which would endanger public safety by reason of a traffic hazard. I am therefore satisfied that there is a strong rationale for the consideration of car free housing in this specific instance. Given the specific context of the appeal site and the potential for a conflict with pedestrians as a consequence of providing off-street car parking, I am satisfied that the proposal would not establish an undesirable precedent as each case should be considered on its own merits.

- 7.2.5. Further to the above, I am conscious of national policy objectives that 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 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 given the national policy objectives which now seek to secure compact and sustainable growth and I am satisfied that proposed development would in fact represent a more efficient use of a brownfield site which benefits from good access to public transport. I therefore recommend the inclusion of a condition to omit the proposed vehicular entrance and car parking spaces and to return this portion of the site to private open space to serve the proposed dwelling. Subject to compliance with this condition, I am satisfied that the proposal is in accordance with the proper

planning and sustainable development of the area and will not represent a traffic hazard.

7.3. Drainage

- 7.3.1. The Planning Authority's second reason for refusal relates to surface water drainage. I note the Planning Authority's Water Services section recommended that additional information be submitted prior to a determination on the application being made. It is unclear whether the Planning Authority had due regard to the information submitted at application stage, including the Applicant's Site Drainage Plan and Drainage Design statement. The proposed development seeks to dispose of stormwater runoff on-site, in accordance with SuDS requirements and the proposal includes the construction of a soakaway with the rear garden of the new house. The Appeal submission also notes that the percolation tests results were used to calculate the size of the soakaway required to deal with the stormwater runoff. Given the characteristics of the site and the information submitted on file, I am satisfied that the Applicant's proposals are acceptable in principle. I therefore recommend the inclusion of a condition which shall require all drainage arrangements, including the disposal of surface water, to comply with the requirements of the Planning Authority.

7.4. Visual & Residential Amenity

- 7.4.1. The proposed dwelling has contemporary architectural expression with a flat roof form and is located within the side amenity space of the existing dwelling on site. Materials and finishes comprise a combination of render and brick for the principal elevations with the main entrance to the dwelling provided on its northern side. Given the nature of the proposed development, I have had regard to the policy for corner/side garden sites, as prescribed in Section 12.6.8 of the current CDP. In this instance, the design of the proposed dwelling provides for a dual frontage with passive surveillance of Marley Rise to the north and west. The proposed dwelling does not breach the established building line along Marley Rise and although the proposal represents a departure from the surrounding area in design terms, I am satisfied that the contemporary design responds to the characteristics of the site and does not detract from the visual amenity of the surrounding area. Overall, I am satisfied that the

proposed dwelling accords with the pertinent policy of the current CDP for corner/side garden sites and is acceptable in design terms.

7.4.2. As per Table 3.20 of the current CDP, a 3 no. bedroom house generates a requirement for 60sq.m. of private open space. I note that 60sq.m. of private open space is provided to the rear of the dwelling and is directly accessible from the ground floor kitchen/dining room. I also note that the size of the dwelling complies with the standards contained within the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) and Table 3.20 of the current CDP. Overall, I am satisfied that the proposal will afford a good standard of amenity to its future occupants. Should the Board agree with the condition to omit the off-street car parking for the proposed dwelling, I note the quantum of amenity space to the rear of the dwelling will be increased.

7.4.3. The proposed dwelling has a flat roof form with a maximum height of c. 5.7m above natural ground level. I note a separation distance of c. 22m is provided between the rear façade of the dwelling and the first floor rear elevation of the property to the east on Marley Avenue. Having regard to the overall scale, height and form of the proposed dwelling, its location on a corner and the separation distances provided from properties within the surrounds of the site, I am satisfied that the proposed development will not unreasonably 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.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development, a dwelling 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 the relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the South Dublin Development Plan, 2022-2028, including the 'RES' zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, 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 be prejudicial to public health, would not represent a traffic hazard and would be in accordance with Policy H13 of the South Dublin Development Plan, 2022-2028 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The Applicant shall provide for the omission of the proposed vehicular entrance and the 2 no. off street car parking spaces. The area to the rear of the proposed dwelling shall be utilised as private open space for the dwelling. Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority, revised sections, elevations (including boundary elevations) and plans incorporating the amendments.</p>

	Reason: In the interest of the proper planning and sustainable development of the area.
3.	<p>Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
4.	<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>Reason: In the interest of public health.</p>
6.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</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>Reason: In order to safeguard the 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</p>

	<p>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>Reason: 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

16/11/2022