



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314438-22

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<b>Development</b>	Two semi-detached dormer bungalows
<b>Location</b>	13 Newlands Drive, Clondalkin, Dublin 22, D22 CX37
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22A/0155
<b>Applicant(s)</b>	H.H.M Investments Ltd.
<b>Type of Application</b>	Permission (s. 34)
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party (s. 37)
<b>Appellant(s)</b>	H.H.M Investments Ltd.
<b>Observer(s)</b>	Aileen and Philip Hurley Breeda Doyle and Tony Ward Joseph P Donoghue Yvonne O'Connor and Shane Lanigan
<b>Date of Site Inspection</b>	26 <sup>th</sup> May 2023
<b>Inspector</b>	Philip Maguire

## 1.0 Site Location and Description

- 1.1. The appeal site is a corner plot located in Newlands Drive, Clondalkin, Dublin 22, north of the N7 and west of the M50. Newlands Cross is 300m to the southwest. Clondalkin town centre is 0.7km northwest and the Grand Canal is 1.5km north of the site. The immediate area is entirely residential. The streetscape is characterised by semi-detached houses of similar form and appearance. The posted speed limit is 30kph.
- 1.2. The appeal site is flat and has a stated area of 0.0862ha. It consists of a semi-detached two-storey house with garden and paved area to the front and side and private garden area to the rear. It has primary frontage and vehicular access along Newlands Drive to the west and return frontage and secondary access along Newlands Park to the south. There are some mature trees to the front of the site, which is defined by a low wall and railings. This wall forms part of the southern boundary as far as the secondary access, which is framed by high pillars and timber gates. A screen wall defines the remainder of this boundary. A belt of mature beech trees lies inside this part of the southern boundary, to the rear of the building line. The rear boundaries to the north and east are defined by block and brick screen walls.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for 2 no. semi-detached dormer bungalow houses in the rear garden of No. 13 Newlands Drive with landscaping, boundary treatments and in-curtilage parking. Vehicular access to the houses would be via Newlands Park.
- 2.2. The existing house is a hipped roof structure with a ridge height of c. 8.7m. External finishes are brick, render and profiled roof tiles. The back garden of this house would be reduced to 86.10sq.m. Both primary and secondary access points are to be retained. The boundary wall to the east of the secondary access is to be removed in addition to the mature trees along this boundary, and a street tree in the grass verge.
- 2.3. The proposed houses are referred to as Unit 01 and Unit 02 and laid out as a trapezoid block addressing Newlands Park. The block has a front elevation of 16.64m and rear elevation of 15.17m. The gable ends to the east and west are 6.81m and 9.64m respectively. Each of the external walls will be parallel to the new site boundaries which consist of the existing boundary walls to the north and east, a new 1.80m high

screen wall to the west and a 1.00m high wall to the south (front). A 1.80m high concrete post and timber panel fence will divide the private amenity space to the rear and a short section of 1.80m screen wall will divide the units to the front. The semi-detached block has a finished floor level of 79.20mAOD and a ridge height of 7.02m. Box dormers project from the front and rear elevations, albeit joined to the rear where 0.90m by 1.50m skylights provide additional natural light to each of the rear bedrooms.

- 2.4. Unit 01 is a 2-bed, 4-person dormer bungalow with a stated floor area of 96.20sq.m. It has parking for 2 no. cars to the side (west) and 79.60sq.m private amenity space to the rear (north). Unit 02 is a 2-bed, 3-person dormer bungalow with a stated floor area of 80.70sq.m. It has parking for 2 no. cars to the side (east) and 82.80sq.m private amenity space to the rear (north). External finishes include render, exposed concrete, cladding and roof slates. First floor rear windows include obscured glass.
- 2.5. Additional drawings were submitted as part of the appeal. They include revised angled windows to each of the rear first floor bedrooms with glazing orientated to the north-east to prevent direct overlooking towards the private amenity space of the property to the north (No. 15 Newlands Drive). The window opening is c. 1.73m by 2.10m and does not include obscured glass. Further water services details were also submitted.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse permission** for the proposed development on 25<sup>th</sup> July 2022 for the following reasons:

1. *The proposed dwellings, by reason of their design, scale and proximity to the northern site boundary with the immediate neighbour to the north, would be overbearing and visually dominant when viewed from the rear garden of the immediate neighbour to the north and lead to unacceptable levels of overlooking into this neighbouring rear garden. Accordingly, the proposed development is considered to contravene Section 11.3.2 (ii) Corner/Side Garden Sites of the South Dublin County Development Plan 2016-2022 and the zoning objective for the area which seeks 'to protect/and or improve residential amenity'), would seriously injure*

*the amenity of property in the vicinity and would contravene the proper planning and sustainable development of the area.*

2. *The addition of two more vehicular access points in close proximity to existing vehicular access points along Newlands Park would lead to an intensification of traffic accessing and egressing within a relatively short distance, which may endanger public safety by reason of a traffic hazard. Insufficient information has been submitted in relation to visibility splays to the satisfaction of SDCC's Roads Department. The proposed development would not accord with the proper planning and sustainable development of the area.*
3. *Having regard to the lack of information submitted in relation to Surface Water Drainage, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not consistent with the County Development Plan and the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- Planning Report (25/07/22): Basis for the Planning Authority decision. It notes that residential use is permitted in principle in the zoning subject to compliance with other provisions of the Development Plan including section 11.3.2 relating to infill and garden sites. It assesses the proposal against the previous refusal reasons under PA ref. SD20A/0334 and whilst it notes that a number of the individual issues have been satisfactorily addressed, including the overbearing impact on the property to the east, it considers that none of the reasons have been fully overcome. In terms of residential amenity, it considers that the projection beyond the building line in Newlands Park and boundary treatments are acceptable, in addition to the internal amenity space for future occupants. In relation to visual amenity, it considers that the contemporary design would be acceptable. In terms of landscaping, it notes the Parks Report and recommendation and considers that significant mitigation would be required to offset the loss of trees and removal of the grass verge adjacent to the pedestrian access points should be omitted. In respect of access and parking, it notes the Roads Report and recommendation but

considers that the provision of additional entrances is unlikely to cause a traffic hazard, subject to further information. In relation to water supply and drainage, it notes the Water Services and Irish Water reports and considers refusal is warranted based on insufficient information in respect of surface water drainage. In terms of public health, it notes the EHO Report and recommendation but considers the site sufficiently removed from the N7 road to warrant an acoustic assessment and mitigation measures. It notes that no AA/EIA issues arise. It concludes that permission should be refused having regard to the impact on the existing residential amenity, the standard of development, the location and design of the access points and the lack of information regarding surface water drainage.

### 3.2.2. Other Technical Reports

- Parks (30/06/22): No objection subject to conditions.
- Roads (15/07/22): Refusal recommended.
- Water (18/07/22): Further Information requested.

### 3.3. Prescribed Bodies

- Environmental Health (per Planning Report): Further Information requested.
- Irish Water (19/07/22): No objection.

### 3.4. Third Party Observations

3.4.1. The Planning Authority received a total of 5 no. third-party observations from:

- A and P Hurley (1 Newlands Park)
- J P Donoghue (2 Newlands Park)
- Y O'Connor and S Lanigan (4 Newlands Park)
- C and C Ainscough (7 Newlands Drive)
- B Doyle and T Ward (16 Newlands Drive)

3.4.2. The issues raised are similar to the appeal observations – see section 6.3 below.

## 4.0 Planning History

### 4.1. Appeal site:

**PA ref. SD20A/0334:** Permission **refused** in February 2021 for 3 no. two-storey houses (2 no. semi-detached and 1 no. detached). The Planning Authority considered that the proposed development would contravene section 11.3.2 (ii) relating to corner/side garden sites, the zoning objective of the Development Plan and seriously injure the amenity of property in the vicinity. It also considered that the semi-detached units would increase the risk of a traffic accident with on-street car parking only likely to endanger public safety by reason of a traffic hazard. Due to a lack of information regarding the access and parking for the detached unit, the Planning Authority was not satisfied that the proposal would not endanger public safety by reason of a traffic hazard. Similarly, due to a lack of surface water drainage information, the Planning Authority was not satisfied that the proposal would not be prejudicial to public health.

**PA ref. S99B/0023:** Permission **granted** in April 1999 for a rear extension.

**PA ref. S97B/0646:** Permission **granted** in July 1998 for an extension and alterations.

### 4.2. Sites in the vicinity:

#### 11A Newlands Drive (c. 30m south)

**PA ref. SD03A/0185:** Permission **granted** in February 2004 for the demolition of a converted garage and construction of a detached two-storey house etc. to the side of No. 11 Newlands Drive.

#### 9A Knockmeenagh Road (c. 65m north)

**PA ref. SD07A/0045:** Permission **granted** in July 2007 for a detached two-storey house etc. to the rear of No. 23 Newlands Drive (amended under PA ref. SD10B/0435).

#### 7 Knockmeenagh Road (c. 70m northwest)

**PA ref. SD07A/0930:** Permission **refused on appeal** (ref. PL 06S.227925) in September 2008 for a detached bungalow to side of the existing house etc. The Board considered that the proposal would be out of character with the pattern of development in this housing estate and substantially breach the building line of Newlands Drive, seriously injuring the amenities of property in the vicinity etc. Additionally, the Board was not satisfied that proposed development would not be prejudicial to public health.

2A Newlands Drive (c. 130m southwest)

**PA ref. SD07A/0200:** Permission **granted** in June 2007 for the demolition of existing garage, shed and kitchen and construction of a detached two-storey house etc. to the side of No. 2 Newlands Drive.

3 and 5 Newlands Road (c. 140m southwest)

**PA ref. SD06A/0192:** Permission **granted on appeal** (ref. PL 06S.218464) in September 2006 for 2 no. semi-detached two-storey houses etc. to the rear of No. 2 Newlands Drive.

St Brigid's Road/New Road (c. 180m west, northwest)

**PA ref. SD15A/0021:** Permission **granted** in August 2015 for 1 no. detached two-storey house and 1 no. detached storey and a half house etc. to the side of No. 2 St Brigid's Road.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2022-2028

- 5.1.1. The current Development Plan came into effect on 3<sup>rd</sup> August 2022. The Planning Authority decision of 25<sup>th</sup> July 2022 was made under the previous Plan for the period 2016-2022. This appeal shall be determined under the current Plan.
- 5.1.2. The appeal site is zoned 'Existing Residential' (RES) with a zoning objective '*to protect and/or improve residential amenity*'. Residential uses are amongst the development types 'permitted in principle' in this zoning.
- 5.1.3. Relevant policies, objectives and standards are set out under chapters 4 (Green Infrastructure), 6 (Housing), 11 (Infrastructure and Environmental Services) and 12 (Implementation and Monitoring). The following sections are particularly relevant:
- 4.2.2 – Sustainable Water Management
  - 6.8.1 – Infill, Backland, Subdivision and Corner Sites
  - 12.6.7 – Residential Standards for 2-bed houses:
    - 80sq.m minimum floor space; and 55sq.m minimum private open space.

- 11.2.1 – Sustainable Urban Drainage Systems (SuDS)
- 12.6.8 – Residential Consolidation:
  - 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.
- 12.11.1 – Water Management

5.1.4. The following objectives are directly relevant:

**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*.

**H13 Objective 5:** To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

**GI4 Objective 1:** To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is



integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

## **5.2. National Planning Framework (NPF)**

- 5.2.1. Acknowledging demographic trends, the NPF seeks a 50:50 distribution of growth between the Eastern and Midland region and other regions. It places an emphasis on renewing existing settlements including a delivery target of at least 40% of all new housing within the built-up areas of cities, towns and villages on infill/brownfield sites.
- 5.2.2. It also signals a move away from rigidly applied planning policies and standards in relation to building design, in favour of performance-based criteria, to ensure well-designed, high-quality outcomes.

## **5.3. Regional Spatial and Economic Strategy (RSES)**

- 5.3.1. The RSES 2019-2031 notes that the key enablers for growth include promoting compact urban growth to realise targets of at least 50% of all new homes, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- 5.3.2. The spatial strategy for Dublin City and Suburbs is to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area.

## **5.4. Design Manual for Urban Roads and Streets (DMURS)**

- 5.4.1. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 4.1.2 promotes the concept of self-regulating streets. Section 4.2.3 notes that designers should seek to promote active street edges to provide passive surveillance of the street and promote pedestrian activity. It considers that increased pedestrian activity has a traffic-calming effect as it causes people to drive more cautiously. It also notes that higher levels of privacy are desirable where dwellings interface with streets and greater flexibility with regards to setbacks may be needed in existing areas defined by a pattern of building lines.
- 5.4.2. Section 4.4.4 indicates that the stopping sight distance (SSD) for a road design speed of 30kph is 23m, and 24m on a bus route. Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to

2m where vehicle speeds are slow and flows on the minor arm are low. The Y-distance should correspond to the SSD. Regarding vertical alignment, section 4.4.6 notes that the envelope of forward visibility should encompass the area between a driver eye height in the range of 1.05m to 2.0m and an object height in the range of 0.6m to 2.0m.

## 5.5. **Greater Dublin Strategic Drainage Study (GDSDS)**

- 5.5.1. Section 6.8.6 of the GDSDS, Regional Drainage Policies, Vol. 2 (New Development) relates to infiltration units and notes soakaways should be 5m from property (6.8.6.1).

## 5.6. **Natural Heritage Designations**

- 5.6.1. None relevant.

## 5.7. **EIA Screening**

- 5.7.1. Having regard to the nature and small scale of the proposed development, which is for two infill houses within a fully serviced urban area, and its proximity to the nearest sensitive 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**

- 6.1.1. A 1<sup>st</sup> Party appeal has been lodged by CDP Architecture on behalf of the applicant, H.H.M Investments Ltd. The grounds of appeal can be summarised as follows:

#### 1<sup>st</sup> Refusal Reason:

- The applicant submits that the proposal is less visually dominant than the previously refused development under PA ref. SD20A/0334 and refers to a section of the Planning Report which states that the “reduction in height and scale of the dwellings also reduces the impact of the proposal on the dwellings to the east” and considers that part of the refusal reason under PA ref. SD20A/0334 has been overcome in respect of an overbearing impact on this dwelling.

- Regarding the Planning Authority's concerns in relation to scale, height and impact on No. 15 Newlands Drive, the applicant proposes 2 no. angled windows at first floor level, to direct line of sight away from this property. This, they suggest, could have been dealt with by way of an additional information request or by condition.
- The applicant refers to PA ref. SD15A/0021 as precedent (see section 4.0). They state that it was a more constricted site than the appeal site and there was also a deviation in design in terms of the street and roof profiles etc.
- Referring to a section of the Planning Report which states that the "proposed dwellings are considered to have a degree of architectural integration with the surrounding built form" and this "contemporary design would be acceptable", the applicant contends that the refusal reason is misguided.

2<sup>nd</sup> Refusal Reason:

- The applicant states that cars will drive in and reverse out of parking spaces with 23m visibility splays of in accordance with DMURS and makes reference to section 7.9 of the UK *Manual for Street* (2007) in relation to frontage access.
- The applicant also refers to the Roads Department comments in the context of the application and the stated precedent case (PA ref. SD15A/0021) whilst also noting the Planning Report, which considered that "the provision of additional entrances is unlikely to cause a traffic hazard". They suggest that there is a contradiction in this regard, and this could have been addressed through additional information.

3<sup>rd</sup> Refusal Reason:

- The applicant submits that a soakaway is not feasible having regard to the required setback of 5m from a building and the proposed surface water drainage design is in accordance with the GDSDS, and the required SuDS analysis was carried out.
- The applicant concludes that the proposed houses are an acceptable, low-impact, contemporary design reflective of their surroundings through scale and materiality; consistent with the zoning objective and national policy in terms of the efficient use of land in greater density, more compact form and increased output of housing, providing downsizing opportunities for the aging population, families and professionals. The Board is therefore requested to overturn the Council's decision.

## 6.2. Planning Authority Response

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

- Planning Authority confirms its decision.
- The issues raised are covered in the Planner's Report.

## 6.3. Observations

6.3.1. A total of 4 no. observations were received and are summarised as follows:

- It is submitted that the appeal site is too small to accommodate the scale of the proposal with the front elevation forward of the building line in Newlands Park, impacting on the streetscape, sense of visual cohesion and neighbouring property. It is also stated that the proximity of the proposal to the northern and eastern boundaries would be overbearing and visually dominant resulting in overlooking of the rear garden of Nos. 15 Newlands Drive and 2 Newlands Park. Siting directly opposite No. 1 Newlands Park is also considered to impact on privacy.
- It is stated that the proposal is out of character with the scale and design of the area and would have a negative impact on adjoining properties. Unlike other infill development, it is submitted that the proposal has no architectural or stylistic counterpart in the area where spacious gardens an integral part of the estate. This would impact on property values and the integrity of the estate.
- It is contended that the private amenity space for both the proposed houses and the existing house (No. 13 Newlands Drive) will have limited functionality, resulting in a poor standard of amenity for future occupants. Concerns are also raised regarding internal amenity space including the use of obscure glazing in the rear bedrooms. It is also noted that Unit 02 does not have a first-floor bathroom and one of the bedrooms is below minimum standards for room width.
- It is suggested that the angled windows do not address the Planning Authority's primary concern that the proposal would be overbearing and visually dominant on its neighbours. It is considered that they won't address overlooking on No. 15 Newlands Drive and will increase overlooking and impact on the privacy of the occupants of No. 2 Newlands Park. It is stated that there is no guarantee that

obscure glazing will continue to be used into the future. It is further noted that the house permitted under PA ref. SA07/0045 has no rear first floor windows and the cited precedent under PA ref. SD15A/0021 is irrelevant.

- It is noted that any proposals to reduce the height of the boundary wall adjacent to No. 2 Newlands Park would be unacceptable and this would not address the Roads Department's concerns regarding an "undesirable intensification of traffic". Additionally, it is stated that there are ongoing parking issues in the area and the proposed development will further exacerbate this situation and increase traffic volumes through the estate. The access directly opposite No. 1 Newlands Park is also considered to increase the risk of a traffic accident.
- It is submitted that the proposal would seriously increase pressure on an already stressed, single pipe, drainage system and suggests that surface water must go to ground. It is also stated that flooding occurs at the junction of Knockmeenagh Road and New Road, and Newlands Drive respectively and the proposal will likely lead to further flooding. More substantive drainage measures are thus required.
- It is submitted that the proposal would result in the loss of a large green/garden space currently occupied by mature trees and associated wildlife. It is stated that this is an integral part of the amenity of the estate. A lack of tree survey is noted.

## 7.0 Assessment

- 7.1. The Planning Authority's 1<sup>st</sup> refusal reason relates to an overbearing and visually dominant form of development leading to unacceptable levels of overlooking into the neighbouring garden to the north. This, they suggest, would contravene section 11.3.2 (ii) of the South Dublin County Development Plan 2016-2022 relating to general criteria for corner/side garden sites and the zoning objective and therefore seriously injure the amenity of property in the vicinity. The current Development Plan came into effect on 3<sup>rd</sup> August 2022 and a similar approach is reflected in section 12.6.8, as cited above.
- 7.2. The 2<sup>nd</sup> refusal reason relates to concerns regarding the provision of additional access points along Newlands Park. This, they suggest, would lead to an intensification of traffic accessing and egressing within a relatively short distance which may endanger public safety by reason of a traffic hazard. The 3<sup>rd</sup> reason considers that the proposal could be prejudicial to public health due to a lack of surface water drainage information.

7.3. Having examined the application details and all other documentation on the appeal file, including the appeal submission and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Residential Amenity
- Access and Traffic
- Drainage and Public Health
- Appropriate Assessment

#### 7.4. Residential Amenity

7.4.1. The proposal is c. 11.50m from the rear wall of No. 15 Newlands Drive and within 5.30m of its shared boundary wall and private amenity space. I also note that it is c. 10m from the rear wall of No. 13 Newlands Drive and c. 7.70m from the side wall of No. 2 Newlands Park, albeit forward of its building line. These separation distances are generally sufficient for this type of infill development, particularly given the proposed eaves (3.050m) and ridge (7.023m) heights, compared to adjacent houses.

7.4.2. Whilst I accept that additional massing will be provided by the rear box dormer, with a height of c. 5.90m, I do not consider it will have an overbearing or visually dominant impact on No. 15 Newlands Drive when viewed from its rear garden, given a similar separation distance. The dormers to the front are also acceptable and form part of a contemporary and innovative response to the site whilst also assisting with building line transition, in addition to the footprint. In such circumstances, I do not consider the proposal will seriously injure the amenity of property in the vicinity nor do I accept that it will adversely impact on the streetscape or character of the area. In this regard, I note a similar development at Nos. 3 and 5 Newland Road (ABP ref. PL 06S.218464).

7.4.3. There are no directly opposing rear windows and therefore the degree of overlooking would be generally limited to oblique views towards habitable rooms to the rear of No. 15 Newlands Drive. I do accept that the proposal, as submitted to the Planning Authority, could have the perception of overlooking on the private amenity space of this property, however. As a result, the applicant has amended the design from obscured glass in rear bedroom windows to the use of angled windows orientated to

the northwest. This would direct the occupants' views towards the rear garden of No. 2 Newlands Park albeit restricted by the rear boundary wall of No. 15 Newlands Drive and indeed the gable wall of No. 2 Newlands Park given the stepped building line.

- 7.4.4. Contrary to the observations, I am satisfied that the angled windows will address perceptions of overlooking on the rear garden of No. 15 Newlands Drive and will not result in any significant overlooking on No. 2 Newlands Park given the proposed layout and separation distances involved. Whilst I am conscious that other design solutions are available, including the use of clerestory windows, I do not consider blank dormer projections necessary or warranted, notwithstanding the design of the rear of No. 9A Knockmeenagh Road, as submitted by the observers. The first-floor hallway windows include obscured glass and should be conditioned having regard to related concerns.
- 7.4.5. On balance, this contemporary and innovatively designed proposal would not be overbearing, visually dominant or significantly overlook on adjacent private amenity spaces. The benefit of infill housing, at this location, outweighs any adverse impacts on residential amenity, perceived or otherwise. Other concerns raised by the observers in respect of the residential amenity of the future occupants of the proposed houses are noted but overall, the proposal is acceptable in the context of the Development Plan standards. Mitigatory landscaping is required however given the loss of a significant number of mature trees and this should be addressed by condition.

## **7.5. Access and Traffic**

- 7.5.1. The houses in Newlands Park and Newlands Drive have individual access points with limited in-curtilage turning. Parking manoeuvres appear to involve driving in and reversing out, as proposed by the applicant. The applicant also proposes visibility splays of 2.4m by 23m in accordance with DMURS. This would only be relevant if cars were exiting in forward gear and therefore an X-distance of 2m from the edge of the footpath, as suggested by the Roads Department, is not required in this instance. I do however accept that the drivers of cars reversing from the houses should have adequate visibility before crossing the footpath. I therefore agree that the front boundary wall along with sections of the side boundary walls, forward of the building line, should be reduced to 0.9m in height. As it transpires, this would facilitate visibility splays largely within the DMURS required envelope from the curtilage of the houses,

were the cars to exit in forward gear. Whilst I note that any boundary wall reduction is opposed by an observer, this would be a civil matter outside of the scope of the appeal.

- 7.5.2. Like the applicant, I note that the Planning Report considers that the provision of additional entrances is unlikely to cause a traffic hazard, yet it appears as the substantive issue in this refusal reason. I can therefore appreciate their frustrations in this regard. Nonetheless, I do accept that the proliferation of access points with slightly more restricted visibility than adjacent houses is a legitimate concern notwithstanding this low-speed environment. To address any intensification of traffic, perceived or otherwise, it is recommended that the secondary access to No. 13 Newlands Drive is permanently closed in the event of a grant of permission. In such circumstances, I do not consider the proposal would endanger public safety by reason of a traffic hazard.

## 7.6. **Drainage and Public Health**

- 7.6.1. In terms of drainage design, the applicant proposes to install permeable paving for the hardstanding areas. A surface water network to cater for an outfall of 1.4 l/s is also proposed. This, the applicant claims, is in accordance with BS 8301:1985, although this document has since been withdrawn. No other SuDs measures are proposed but the applicant refers to the restricted nature of the site as justification for not providing a soakaway. This is acceptable having regard to section 6.8.6.1 of the GSDS. Maintenance and infiltration to foundations are amongst the risks identified with an attenuation tank. This is acceptable having regard to section 12.11.1 of the Plan. The remainder of roof runoff will outfall to the 150mm combined sewer in Newlands Drive.
- 7.6.2. The appeal site is located outside any of the coastal, fluvial or pluvial flood extents. The OPW *Past Flood Event Summary Report* for the local area does not record any flood events within close proximity of the appeal site notwithstanding the observations in respect of flooding at the nearby road junctions. I am therefore satisfied that the drainage design is acceptable and includes appropriate SuDS measures, albeit with some scope for additional proposals. The final design should be agreed the Planning Authority. In such circumstances, I do not consider the proposed development would give rise to flooding, be prejudicial to public health, or be inconsistent with the Plan.

## 7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, which is for two infill houses in an established and serviced urban area, the distance from the nearest



European site, no Appropriate Assessment issues arise. Therefore, 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. I recommend that permission be **granted** for the reasons and considerations below.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of South Dublin County Development Plan 2022-2028, the location of the development on zoned and serviced lands within the Dublin City and Suburbs settlement boundary, the small scale and infill nature of the proposed development site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of property in the vicinity, would provide an acceptable standard of amenity for future residents, would be acceptable in terms of traffic safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> day of August, 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 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 interests of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The existing vehicular access to the rear of No. 13 Newlands Drive shall be permanently closed and replaced with a wall to match the existing front and side boundary, and the grass verge shall be reinstated.</p> <p>(b) The front boundary (Proposed Wall Type 03) shall be reduced to 0.90m in height and pedestrian access points removed. The grass verge shall be unaltered other than to provide vehicular access.</p> <p>(c) Sections of the side boundaries (Proposed Wall Type 01 and Existing Boundary Wall) forward of the building line of the houses hereby permitted shall be reduced to 0.90m in height, capped and rendered.</p> <p>(d) The rear boundary (Existing Boundary Wall) shall be a minimum of 1.80m in height, capped and rendered.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of road safety and the visual and residential amenity of the area.</p>
3.	<p>The first-floor hallway windows on the northern elevation shall be glazed with obscure glass.</p> <p><b>Reason:</b> To prevent overlooking of adjoining residential property.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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>A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the agreed plan. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development,</p>

	<p>shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of biodiversity and the visual and residential amenity of the area.</p>
6.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, formerly Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement 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>
9.	<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 Contributions 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</p>

	<p>referred to An Bord Pleanála 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, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
10.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Philip Maguire

Planning Inspector

26<sup>th</sup> July 2023