



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314880-22

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#### Development

Demolition of 2 habitable structures and a row of 5 derelict structures, the construction of 22 houses, car parking spaces, vehicular and pedestrian access and associated site works.

#### Location

Silveracre Bungalow, Whitechurch Road, Rathfarnham, Dublin 14.

#### Planning Authority

South Dublin County Council.

#### Planning Authority Reg. Ref.

SD22A/0039

#### Applicant

Dungrey Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant of Permission.

#### Type of Appeal

First Party v Condition

Third Party v Grant of Permission.

#### Appellant

Dungrey Limited (First Party).

Pierce Mullarney (Third Party).

#### Observer(s)

None.

**Date of Site Inspection**

04/09/2023.

**Inspector**

Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is Silveracre Bungalow, Whitechurch Road, Rathfarnham, Dublin 14. The site has a stated area of c. 0.58ha. and is located on eastern side of Whitechurch Road, c. 70m to the south of the junction of Whitechurch Road and Ballyboden Road. The appeal site has an irregular shape and is accessed via an vehicular entrance located towards the northern end of the site's western boundary to Whitechurch Road. An existing driveway leads from the entrance to a single storey dwelling known as Silveracre Bungalow. The dwelling is located proximate to the northern site boundary and there are a number of single storey sheds/outbuildings located to its side (north) and rear (east). There is an area of hardstanding to the west of the dwelling and the remainder of the site which extends to the south and east is typical under grass or hardstanding. An existing single storey cottage (No. 6 Whitechurch Road) is located within the south-western corner of the site. The dwelling has a direct abuttal with the footpath along the eastern side of Whitechurch Road and there is a vehicular entrance immediately to the south of the existing dwelling. To the north of No. 6 Whitechurch Road and within the appeal site, is a terrace of 5 no. derelict cottages. Only the front façade and the external boundary walls of these cottages remain intact and the front facades form the western boundary of the appeal site to Whitechurch Road.
- 1.2.** In terms of the surrounds, there is a large open space area associated with the dwelling known as 'Acrebrook', No. 1 Whitechurch Road to the immediate north of the appeal site. There is also an existing industrial building on these lands and located to the east and north of 'Acrebrook'. The eastern end of the site's northern boundary has an abuttal with the Loreto High School lands. To the east of the site is the residential area of Tara Hill Crescent. Dwellings within this area have typically a double storey front and overlook a public open space area to the south. There is also a narrow strip of land between the appeal site and the open space area associated with Tara Hill Crescent. To the immediate south of the site is No. 8 Whitechurch Road and No. 50 St. Patick's Cottages. An existing Protected Structure (The Mill House, RPS No. 258) is located further to the south of the appeal site.

## **2.0 Proposed Development**

- 2.1.** The proposed development seeks planning consent for the demolition of the existing structures on the appeal site and the construction of a residential development comprising a total of 22 no. part three/part four storey dwellings. The structures to be demolished include 2 no. existing habitable dwellings, namely a bungalow (Silveracre) and an existing cottage (No. 6 Whitechurch Road). In addition, it is proposed to demolish a row of 5 no. derelict structures/cottages which are located along the western boundary of the appeal site adjacent to Whitechurch Road. The extent of proposed demolition equates to c. 433sq.m.
- 2.2.** The proposed development comprises the construction of 22 no. 4 bed, 3-4 storey dwellings. The dwellings range in size from c. 197sq.m to c. 214sq.m and are accessed via a new vehicular and pedestrian entrance which is centrally located within the site's western boundary to Whitechurch Road. An internal road leading from the proposed entrance will provide access to the dwellings which surround a central public open space area.
- 2.3.** Dwelling Nos. 01-08 are located within the southern portion of the site and comprise a terrace of 4 no. dwellings and 2 no. pairs of semi-detached dwellings. The dwellings have a northern orientation with private amenity space provided in the form of south facing gardens. Dwelling Nos. 09-16 are located in the eastern portion of the site and comprise a terrace of 8 no. dwellings. The dwellings are orientated to the west with private amenity space provided in the form of east facing gardens. Dwelling Nos. 01-17 are located within the northern portion of the site and comprise 3 no. pairs of semi-detached dwellings. The dwellings have a southern orientation with private amenity space provided in the form of north facing gardens. The dwellings within the development typically have a maximum height of c.12.3m and materials and finishes comprise a combination of a smooth render plaster boards, self coloured render and a brick finish for the principal elevations with a slate roof finish. Velux style rooflights are also proposed on the rear roof slope of each dwelling.
- 2.4.** As noted, private open space is provided in the form of rear gardens which have floor areas ranging from c. 50.5sq.m. to c. 112sq.m. In addition, supplementary open space is provided in the form of roof terraces at third floor level with a floor area of c. 21sq.m.

Public open space is provided in the form of a centrally located landscaped open space area measuring 580sq.m. and includes associated children's play equipment. The open space area equates to c. 10% of the total site area.

- 2.5. The proposed development shall provide a total of 44 no. car parking spaces, with each dwelling providing 2 no. spaces within its front curtilage. The Applicant notes that bicycle parking within the development will be fully accommodated within the rear amenity space of the dwellings. In addition, a secure bicycle parking store is proposed to the south of Dwelling No. 9. It is stated within the submitted documentation that this will accommodate cycle parking for the mid terrace houses who do not wish to bring their bicycles through their house. 12 no. short term visitor cycle parking spaces are also proposed in the form of 2 no. Sheffield stands which are to be located adjacent to the public open space area. The Applicant's red line boundary extends to the western side of Whitechurch Road and proposals include the installation of an uncontrolled pedestrian crossing and the installation of new 2m long pedestrian barriers along either side of Whitechurch Road.
- 2.6. The Applicant notes that secure bin storage is to be provided at the front curtilage of all terraced dwellings within the development. These are divided into 2 different structures in separate locations to ensure their proximity to the residential units.
- 2.7. In order to satisfy the Applicant's Part V obligations, a Part V proposal for a pair a semi-detached dwellings (i.e. Dwelling Nos. 21 & 22) accompanies the application. The dwellings are located within the north-western corner of the appeal site.
- 2.8. The proposed development was modified following the submission of additional information in response to concerns raised by the Planning Authority. Details of the modifications are included within Section 3.1 of this report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted planning permission for the proposed development subject to compliance with 23 no. conditions.

Conditions of note include:

### **Condition No. 2**

Amendments. Prior to the commencement of development the applicant, owner or developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Architectural Conservation Officer if needed, revised plans that incorporate all of the following amendments:

(a) The south-eastern corner of the site reconfigured so that Unit 08 omitted and the bicycle storage building is moved to be setback at least 3 metres from the existing surface water pipe along the eastern boundary of the site.

(b) Units 02, 03, 04 and 21 reduced to 2-3 storeys in height, the same height as Units 01 and 22 as revised via additional information. Units 22 and 21 and Units 01 to 04 shall be fully redesigned to improve the form and design (especially at roof level) to provide for an overall coherently designed scheme and improved frontage onto Whitechurch Road.

(c) A privacy screen provided on the north-north east side boundary of the roof terrace of Unit 16. Opaque glazing provided to any above ground floor windows on the north-north east elevation of Unit 16.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

### **Condition No. 9**

Flood Risk All floor levels shall be a minimum of 500mm above the highest known flood level for the site.

Reason: To ensure any risk of flooding is addressed.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

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

also provides a summary of the matters raised in the observations on file and set outs the policy at local through to national level that is relevant to the development proposal. The report also indicates that pre-planning consultation was facilitated.

In terms of their assessment, the Planning Authority noted the residential zoning of the appeal site and deemed the principle of development to be acceptable at this location. It was also considered that the density of development proposed was appropriate for the site. However, the Planning Authority did raise concerns with respect to the scale and design of dwellings within the development. Additional information was requested with respect to the following matters:

- Reduction in the height of the proposed dwellings to a maximum of 3 no. storeys.
- Reconfiguration of Unit No. 1 and No. 22 to provide a frontage/entrance onto Whitechurch Road and modifications to the boundary treatment along this interface.
- Reconsideration of the proposed materials and finishes, having regard to the predominant building palette in the area especially the neighbouring Protected Structure and the adjoining ACA.
- Modifications to the private open space of Dwelling No. 8.
- The applicant was requested to consider the strip of land (and the piped stream) along the eastern site boundary in the overall development and whether appropriate landscaping could be provided along this interface.
- The submission of a fully detailed Landscape Plan, Tree Report, Play Strategy and an Alien Invasive Plant Species Survey Report.
- The submission of a revised proposal to include the further provision of additional natural above ground SuDS features to reduce or remove the need for an attenuation tank within the development (i.e. below the public open space area) and a comprehensive SuDS Management Plan.
- The submission of a report and drawing to clearly show the location of the proposed site on an OPW CFRAM Flood map.
- Additional information with respect to roads, access and permeability.

The proposed development was modified at additional information stage. A summary

of the main modifications to the design of the development include:

- Reduction in height of Dwelling Nos. 1 and 22 to 2 no. storeys with a third floor level contained within a mansard style roof. The dwellings were also redesigned to relocate the front entrances to the western elevation.
- Alterations to the proposed palette of materials and finishes.
- Modifications to the private open space area of Dwelling No. 8.
- Revised landscaping proposals including the addition of play facilities within the open space area and the planting of additional street trees.
- Further SuDS proposals including permeable paving on the driveways, a rain garden planter at the rear of each dwelling to store and treat the runoff from 50% of the roofs, swales and infiltration trenches to drain sections of the road, and a 200mm deep over ground detention basin to store the attenuated storm water flows generated by the 1 in 100 year storm event.

Within their assessment of the additional information response, concerns remained with respect to the height and design of a number of dwellings within the development. Notwithstanding this, a grant of permission was recommended subject to compliance with suitable conditions.

### 3.2.2. Other Technical Reports

Water Services: Recommendation for a request for additional information.

Parks and Public Realm: Recommendation for a request for additional information. Second report on file stating no objection subject to compliance with conditions.

Roads: Recommendation for a request for additional information.

EHO: No objection subject to compliance with conditions.

Architectural Conservation Officer: Recommendation for a request for additional information. Second report on file stating no objection subject to compliance with conditions.



Housing Department: No objection subject to compliance with conditions.

### **3.3. Prescribed Bodies**

TII: Report on file stating no observations.

Irish Water: No objection subject to compliance with conditions.

Department of Arts, Heritage and Local Government: No objection subject to compliance with conditions.

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

Four (4) no. observations were received in relation to the proposed development. The issues raised within the observations can be summarised as follows:

- Concerns with respect to the extent of demolition.
- Flood related concerns.
- It is indicated that the proposed development is considered to be contrary to Sustainable Development and principles of proper planning, the EIA Directive, EU Habitats Directive and Water framework directive.
- Concerns regarding the implications on traffic and the lack of permeability through the site.
- Concerns regarding the height, density and massing of the development and its visual impact and its impact on the character of Whitechurch Road, the ACAs nearby and the protected structure i.e. The Mill House.
- Concerns regarding the quality of open space and boundary treatments.
- Concerns regarding the treatment of the existing stream along the eastern and northern boundaries of the site and the lack of an attempt made to create an ecological corridor onsite even though otters are on this watercourse to the east. Bats and badgers have been identified on site and concerns raised with respect to the lack of survey data.
- Concerns with respect to the lack of permeability through the site.
- Concerns highlighted with respect to overshadowing and overlooking impacts on existing houses within the surrounds.
- Concerns regarding the mix of units proposed and the lack of opportunities for

downsizing.

One of the observations on the planning file is from An Taisce which raise concerns with respect to the height of the proposed development and its impact on the Protected Structure and ACA located within the site's vicinity. In addition, concerns are highlighted with respect to the quality of public open space proposed.

## **4.0 Planning History**

### **4.1. Appeal Site**

**SD12B/0315:** Planning permission granted by the Planning Authority in July 2013 for the construction of a new 215mm thick boundary wall to the rear to run along the entire rear boundary of the property, 91m long and will have an average height of 2.49m with a maximum height of 2.97m.

## **5.0 Policy Context**

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

Under the South Dublin County Development Plan (CDP), 2022-2028, the site is located on lands zoned 'RES', the objective of which seeks 'To protect and/or improve residential amenity'. All lands within the surrounds of the subject site are also zoned 'RES'. The appeal site's southern and eastern boundaries have a direct abuttal with the Saint Patrick's Cottages/Tara Hill Architectural Conservation Area (ACA) and further to the south of the appeal site is a Protected Structure known as 'The Mill House' (RPS Ref. No. 258).

#### **5.1.1. Natural, Cultural and Built Heritage (Chapter 3)**

Policies and objectives relevant to the matter of Built Heritage include:

- **Policy NCBH19:** Protected Structures Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.
- **NCBH19 Objective 1:** To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and

attendant grounds of structures identified in the Record of Protected Structures.

- **Policy NCBH20:** Architectural Conservation Areas Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.
- **NCBH20 Objective 3:** To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

#### 5.1.2. Green Infrastructure (Chapter 4)

Section 4.2.2 relates to sustainable water management, and includes:

##### Policy GI4: Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

- **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.
- **GI5 Objective 4:** To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

#### 5.1.3. Housing Policy (Chapter 6)

Section 6.7 relates to **quality of residential development**, and includes:

Policy H7 Residential Design and Layout

Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

- **H7 Objective 1:** To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.
- **H7 Objective 4:** To ensure that residential development provides an integrated and balanced approach to movement, placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013, updated 2019).

Policy H8: Public Open Space

Public Open Space Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.

- **H8 Objective 1:** To ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring.

Policy H10: Internal Residential Accommodation

Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

- **H10 Objective 1:** To promote the provision of high-quality houses and apartments / duplexes within sustainable neighbourhoods by achieving the

appropriate quantitative and qualitative standards, in accordance with Ministerial Guidelines and as set out in Chapter 12: Implementation and Monitoring.

#### Policy H11: Privacy and Security

Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

- **H11 Objective 4:** To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.

#### 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 1:** To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.
- **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.

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.
- **H13 Objective 7:** To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Policy NCBH 22: Features of Interest and Chapter 12: Implementation and Monitoring).

#### Policy QDP10: Mix of Dwelling Types

Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

- **QDP10 Objective 1:** To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028.

#### 5.1.4. **Implementation and Monitoring (Chapter 12)**

Chapter 12 sets out development standards and criteria that arise out of the policies and objectives of the County Development Plan to ensure that development occurs in an orderly and efficient manner.

**Section 12.5.3** is in relation to **Density and Building Heights**. It states that *inter alia* development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development (see Section 5.2.7 and Appendix 10).

**Section 12.6.8** is in relation to **Residential Consolidation**. It sets out the criteria for developing 'infill sites' and 'corner / side garden sites'. In relation to the former, it is policy that a proposed development should meet the following 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. à Larger sites will have more flexibility to define an independent character; à While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome,

are encouraged, particularly on larger sites which can accommodate multiple dwellings. particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines.

- Sustainable Urban Housing: Design Standards for New Apartments, 2020; à Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;
- Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);
- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students.
- Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the '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' and / or any updated guidance;
- It should be ensured that residential amenity is not adversely impacted as a

result of the proposed development; à Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.

**Appendix 12** of the Development Plan is entitled ‘**Our Neighbourhoods**’. It has key objectives specific to particular Neighbourhood Areas, which includes the aspiration to deliver compact, sustainable and connected neighbourhoods.

## **5.2. National Policy and Guidance**

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

## **5.3. Natural Heritage Designations**

5.3.1. There are no Natura Sites within the immediate vicinity of the appeal site. 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. 5.7km to the south of the site. Other Natura 2000 sites within the 15km precautionary zone of influence include:

- South Dublin Bay SAC (Site Code 000210) (c. 6km from appeal site)
- South Dublin Bay and Rive Tolka Estuary SPA (Site Code 004024) (c. 6.1km from appeal site)
- Glenasmole Valley SAC (Site Code 001209) (c. 6.5km from appeal site)
- Knocksink Wood SAC (Site Code 000725) (c. 10km from appeal site)
- North Bull Island SPA (Site Code 004006) (c. 10.3km from appeal site)
- North Dublin Bay SAC (Site Code 000206) (c. 10.3km from appeal site)



- Ballyman Glen SAC (Site Code 000713) (c. 10.3km from appeal site)
- Dalkey Islands SPA (Site Code 004172) (c. 12.8km from appeal site)
- Rockabill to Dalkey SAC (Site Code 003000) (c. 13km from appeal site)

#### **5.4. EIA Screening**

- 5.4.1. Having regard to the nature and scale the development, which consists of the construction of a residential development comprising a total of 22 no. 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**

- 6.1.1. Grounds of appeal have been submitted by both the Third Party (Pierce Mullarney) and the First Party (Applicant).

##### ***Pierce Mullarney (Third Party)***

- 6.1.2. The Third Party appellant, with an address at No. 49 St. Patrick's Cottages has indicated that he is appealing the decision of South Dublin County Council to grant permission on behalf of himself and his neighbour Sean Magann who resides in No. 50 St. Patrick's Cottages. It is highlighted that No. 50 St. Patrick's Cottages is located to the immediate south of the appeal site. The grounds of appeal can be summarised as follows:

- Concerns are raised with respect to the height and scale of the proposed development. It is indicated that the Planning Authority at additional information stage requested the Applicant to reduce the height of all dwellings within the development to a maximum of 3 no. storeys. It is evident that these revisions have not been undertaken and concerns are raised with respect to the impact of the development on adjoining properties.
- Concerns are highlighted with respect to the inadequacy of the private open space provision within the proposed development which does not accord with the quantitative standards of the County Development Plan.

- It is highlighted that the Applicant's documentation refers to other similarly designed units in Dublin and Greystones. The proposal is not in keeping with the character of the surrounds and this is not adequate justification for a development of this scale at this location. Concerns are highlighted with respect to the sheer bulk and the overwhelming presence of the proposed development as visualised in the submitted photomontages. It is stated that the proposal will have a visually overbearing impact on the existing streetscape.
- Concerns are highlighted with respect to the density of the proposed development at this location.
- Concerns highlighted with respect to the impact of the proposal on the architectural character of the surrounds, including the Protected Structure within the site's vicinity.

### ***First Party***

6.1.3. An appeal against Condition Nos. 2 (a) and (b) and 10 (d) has been prepared on behalf of the Applicant. A First Party Appeal Report, Architectural Drawings and an Engineering Note/Memo accompanies the appeal submission. The First Party Appeal Report provides a description of site and surrounds, an outline of the policy that is relevant to the development proposal and provides a description of the proposed development and how its design was amended in response to the concerns raised by the Planning Authority at additional information stage. Further to this, the First Party Appeal Report provides a review of the Planning Authority's Planning Report and various departmental reports associated with the decision.

### 6.1.4. *Condition No. 2(a)*

The Board is requested to omit Condition 2(a) that is attached to the grant of permission. It is stated that the planner in this instance is uninformed of the location of the surface water pipe, and it is submitted that the Planning Authority were not clear on the location of this surface water pipe when attaching the condition. For the purpose of the file, the submission clarifies that the position of the surface water pipe is located over 3m away from House No. 8 and the proposed bike shed. It is stated that the works to relocate the surface water pipe were completed prior to a decision being made on the application but did not form part of this application documentation. The works in

question were carried out under the supervision of the South Dublin County Council Drainage Department and the area inspector. Drawing No. 21029-102-P2 issued as part of the response to the additional information shows the location of the existing surface water pipe after the works were completed, a fact now confirmed by South Dublin County Council. Drawings have been enclosed which provides details of the route of the surface water pipe along the strip of land to the east of the site which illustrates a setback distance achieved of 3.5m from the bicycle storage unit.

6.1.5. *Condition No. 2(b)*

The Board is requested to omit Condition 2(b) and it is submitted that the Planning Authority has not provided adequate justification for the need to omit a floor from House Nos. 2, 3, 4 and 21. It is stated that the height of the scheme was considered appropriate by the Planning Authority's Conservation and Heritage Officer. It is noted that this department originally raised concerns regarding the relationship of the proposed development to the adjacent ACA and Whitechurch Road and subsequently has been satisfied with the information received at additional information stage and deemed the proposal to be acceptable. It is stated that the proposed development complies with all relevant metrics for development at this location. This is in addition to the design team making a substantial effort at all stages of the planning process to address the concerns of the Planning Authority. It is considered that Planning Authority has vastly overstated the case and their conclusion that the revised proposal put forward at additional information stage would have a visual impact on Whitechurch Road. It is contended that the height of the houses at a maximum of 3 no. storeys with access to a terrace at roof level is entirely appropriate for the site. It is stated that the existing screening by mature trees and hedgerows to the eastern boundary of Willbrook Grove along the western side of Whitechurch Road will mitigate the impact on private amenity and presents an opportunity to provide much needed housing at this vacant site. It is confirmed that the proposal has been designed sensitively and does not result in any material negative impact on neighbouring residential properties.

It is highlighted that the removal of a storey from House Nos. 2, 3, 4 and 21 would result in the loss of a significant amount of floor space that is being proposed for the development and thus reducing the plot ratio of the site. It is stated that this would

constitute an unsustainable form of development and would have an unacceptable impact on the viability of the proposal.

#### 6.1.6. *Condition No. 10(d)*

The appeal submission notes that the Applicant was surprised with the imposition of Condition No. 10(d) and respectfully submits that this condition has not been fully thought through by the Planning Authority. It is stated that the design team during the further information response liaised with the Local Authority and added SuDS features such as swales, infiltration trenches, rainwater gardens and permeable paving to reduce the surface water runoff and act as attenuation in storm events. However, it is stated that it is not possible to attenuate the full 1:100 year storm event with SuDS features alone. The Planning Authority has stated that the attenuation system is to be relocated away from the open space. However, the design team note that there is no other viable area for an attenuation system to be located. The Board is requested to have regard to the drawing submitted at additional information stage by the applicant's consulting engineer and the Board is requested to omit this condition in its entirety.

#### 6.1.7. *Alternative Design*

The submission sets out that the proposal as originally applied for, and as modified at additional information stage, is appropriate and should be granted planning permission. However, the Applicant has provided an alternative option that maintains a viable quantity of floor space for this much needed residential development. The alternative design option maintains 22 no. houses to ensure that a commercially viable scheme can be delivered whilst addressing some of the concerns raised by the Planning Authority. Condition No. 2(b) is of specific reference. The design option for consideration of the Board in the Applicant's view represents an appropriate updated design response and can be summarised as follows:

- House Nos. 1 and 2 amended to a semi-detached block with a lower roof level;
- House Nos. 21 and 22 have a reduced roof level:
- House Nos. 3, 4, 5 and 6 have been amended to form a terrace block with a step provided in the facade between House Nos. 4 and 5.

It is stated that if the Board is minded to grant permission for this option and feels that

this design solution is more appropriate, the Applicant would be happy to accept this revised scheme option by condition.

## **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**

- 7.1.1. The main issues are those raised in the First and Third Party Appellant's grounds of appeal and 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, Density & Mix
- Built Heritage & Visual Impact
- Residential Amenity
- Public Open Space & Drainage
- Appropriate Assessment

## **7.2. Principle of Development, Density & Mix**

- 7.2.1. The proposal seeks planning consent for the demolition of the existing structures on the appeal site and the construction of a residential development, comprising a total of 22 no. dwellings. I note that the site is located on lands zoned 'RES' (Existing Residential) of the current CDP, the objective of which seeks 'To protect and/or improve residential amenity'. Residential development is identified as a permitted in principle use on lands zoned 'RES' and this zoning objective applies to all lands within the immediate surrounds of the appeal site. Having regard to the established and

historical uses on the site, the pattern of development in the surrounding area and the applicable zoning designation, I am satisfied that the principle of a residential development at this location is acceptable.

7.2.2. In terms of the density of the proposed development and the policy of the current CDP, Section 12.5.3 (Density and Building Heights) of the plan notes that development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development. Section 5.2.7 (Density and Building Heights) and Appendix 10 (South Dublin Building Heights and Density Guide (BHDG)) of the Plan is also relevant in this regard. The BHDG for South Dublin County forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. This guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height and also a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness. The current CDP notes that securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed 'brownfield' land in the County as well as undeveloped infill sites, particularly those served by good public transport.

7.2.3. The Third Party appellant has raised concerns with respect to the overall density of development at this location and has referred to policy of the previous CDP (Policy H3 SLO 1). From a review of the policy in question, I note that it was not applicable to the appeal site and is therefore not relevant to the consideration of this appeal. Within their initial assessment of the application, the Planning Authority acknowledged that the site was located within a reasonable walking distance (c. 10 minutes) of existing bus services (some with frequencies of 10-15 minutes), including those along Grange Road and Willbrook Road. In addition, it was noted that BusConnects would upgrade bus services in the area, including upgrading Grange Road to a Spine/Branch Route. Further to this, the site is located within a c. 10 minute walk to local facilities along Grange Road and Barton Drive. In this regard, a higher density of development (c.

37.9 units per ha.) was generally deemed to be acceptable at this location by the Planning Authority. Whilst I agree with the Planning Authority that the site in isolation can readily absorb a higher density of development such as that proposed, the issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration its design and layout, impact on built heritage, access, the impact on the amenities of adjoining residents and the sustainable planning and development of the area. These matters are discussed in further detail within the following sections of this report.

7.2.4. The proposed development comprises the construction of 22 no. townhouses. With the exception of Dwelling No. 17 (5 no. bedroom), all units within the development provide a minimum of 4 no. bedrooms. H1 Objective 12 of the current CDP notes that 'proposals for residential development shall provide a minimum of 30% 3-bedroom units. The policy indicates that a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

Given the mix of units proposed in this instance, I am satisfied that the proposed development is in compliance with the pertinent policy of the current CDP.

### **7.3. Built Heritage & Visual Impact**

7.3.1. In order to facilitate the proposed development, the proposal seeks planning consent to demolish 2 no. existing habitable structures (Silveracre and No. 6 Whitechurch Road) and a row of 5 no. derelict structures/cottages which are located along the western boundary of the appeal site adjacent to Whitechurch Road and immediately north of No. 6 Whitechurch Road. Whilst the policy of the current CDP (NCBH26 Objective 1) seeks 'To support and promote the retention and careful rehabilitation of historic and traditional buildings and other structures in both urban and rural contexts, in order to retain embedded energy and assist in carbon footprint reduction', the

existing habitable dwellings on the appeal site are of limited architectural value and in my view do not provide any meaningful contribution to the area's built heritage character. In addition, the cottages fronting Whitechurch Road are in a ruinous state and their removal and replacement with a carefully considered architectural response can provide for an enhancement of the existing streetscape context. I also note that the Planning Authority's Architectural Conservation Officer has raised no concerns with respect to the demolition of the existing buildings on the site. For these reasons, I am satisfied that their demolition and replacement with a higher density of development is acceptable and can provide for a more efficient and sustainable use of the appeal site.

- 7.3.2. The proposal comprises the construction of 22 no. semi-detached and terraced townhouses. As noted, the development site will be accessed via a centrally located entrance on Whitechurch Road, with dwellings within the development typically orientated towards the north, west and south, whereby they overlook the central public open space area. The dwellings within the development have a four storey building height with an attic space, landing and roof terrace provided within the upper floor level of the dwellings. The upper floor level of each dwelling is partially contained within a pitched roof profile and from certain vantage points within the surrounds will read as having a 3 no. storey height. The appeal site has a direct abuttal (south and east) with the boundary of Saint Patrick's Cottages/Tara Hill Architectural Conservation Area (ACA). Further to the south of the appeal site is a Protected Structure known as 'The Mill House' (RPS Ref. No. 258). Within their initial assessment of the application, the Planning Authority's Architectural Conservation Officer noted that the house type, height and overall design of development did not reflect the site context and development type along Whitechurch Road. In addition, it was stated that no cognisance had been given to the existing character along Whitechurch Road nor how the proposed development would sit within existing house types, including the Protected Structure (Mill House) to the south and the adjoining Architectural Conservation Area. Further to this, the Planning Authority noted that the proposed dwellings adjacent to the Whitechurch Road boundary (i.e. Dwelling Nos. 01 and 22) did not sufficiently address this road. In order to respond to the Planning Authority's concerns, the Applicant was requested to reduce the height of all dwellings across the development to a maximum of 3 no. storeys and to reconfigure Dwelling Nos. 01 and



22 to provide an active frontage/entrance onto Whitechurch Road and to revise the boundary treatment along this interface. In addition, the Applicant was requested to revise the palette of materials and finishes.

7.3.3. In response to the foregoing, the Applicant submitted an amended proposal by way of additional information which revised the finishes of all dwellings within the development and reduced the overall height of Dwelling Nos. 01 and 22. In addition, the entrance to each of these dwellings was relocated and additional fenestration was introduced to their western elevations. Habitable accommodation (i.e. Bedroom No. 4) was then provided within a mansard style roof and access to a roof terrace was maintained at this upper floor level. I note that the height of the remaining dwellings within the development remained largely unchanged. Although the Planning Authority's Architectural Conservation Officer deemed the modifications to be satisfactory, the Planner's Report on file noted that concerns remained with respect to the potential visual impact of the proposed development when viewed from Whitechurch Road notwithstanding the amendments to Dwelling Nos. 01 and 22. The Planning Authority noted the prevalent 1-2 storey building height along Whitechurch Road and the revision to the front houses resulted in an immediate step up in a floor level to the attached houses behind. It was contended by the Planning Authority that this would create an awkward form, especially due to the irregular roof form and a condition (Condition No. 2(b)) was therefore included for the houses behind (Dwelling Nos. 02, 03, 04 and 21) to be reduced in height to match Dwelling Nos. 01 and 22. In addition, the condition requires Dwelling Nos. 22 and 21 and Dwelling Nos. 01 to 04 to be fully redesigned to improve the overall design of the scheme and frontage onto Whitechurch Road.

7.3.4. The Applicant has now appealed this condition and it is contended within the grounds of appeal that a reduction in the height of these dwellings would render the scheme unviable as it would reflect an unsustainable and inappropriate form of development resulting in a reduced plot ratio. Although the internal floor areas of Dwelling Nos. 01 and 22 have been reduced, the overall reduction in floor area is relatively modest at c. 29sq.m. (GFA of c. 174.5sq.m.) and I note that 4 no. bedrooms are maintained within each of the dwellings. Therefore, I do not accept the appellant's argument that the

condition attached by the Planning Authority would render the development unviable. Having inspected the appeal site and surrounds, I would share the concerns of the Planning Authority with respect to the visual impact of the development as modified by way of additional information. The immediate step up in building height within the pair of semi-detached dwellings creates an overcomplicated form which would disrupt the rhythm of the existing streetscape. Notwithstanding this, it is my view that the revisions put forward by the Applicant at appeal stage successfully overcome this issue. An alternative design has been submitted, whereby Dwelling Nos. 1 and 2 have been amended to a semi-detached block with a reduced height. In addition, the height of Dwelling No. 21 has been reduced so that it aligns with that of Dwelling No. 22. I am satisfied that the modified proposal provides a more appropriate graduation in height within the streetscape, particularly from the south along Whitechurch Road when viewed in the context of the existing Protected Structure. Whilst Condition No. 2(b) also requires a full redesign of the dwellings within this portion of the site, it is my view that this is not warranted as I note that Dwelling Nos. 01 and 22 are orientated towards Whitechurch Road and passive surveillance is provided from the ground and first floor level windows on the western elevations. Within the Applicant's alternative proposal, Dwelling Nos. 3, 4, 5 and 6 have also been amended to form a terrace block with a step in the facade provided between Dwelling Nos. 4 and 5. Given the set back of this terrace from Whitechurch Road, I am satisfied that the additional height can be absorbed at this location and will not detract from the existing streetscape character or the architectural character of the surrounds, including the adjoining ACA and the existing Protected Structure. For these reasons, I deem the proposed development as modified at appeal stage to be acceptable and I recommend suitable conditions to be attached to a grant of planning permission.

- 7.3.5. In terms of the visibility of the development from the ACA to the south and east, I note that there are minimal opportunities to screen the development through the incorporation of boundary landscaping given the siting of the development relative to the eastern site boundary. Whilst I am satisfied that the architectural design, form and height of the dwellings along this interface are acceptable, it is my view that consistency in the palette of materials and finishes should be provided across all dwellings within the development given the visual prominence of the side and rear

facades of Dwelling Nos. 09-16 from the public open space area to the east of the site. I therefore recommend the inclusion of a condition which shall require the utilisation of a brick finish on the principal facades of these dwellings in lieu of the proposed render finish, similar to what is proposed for Dwelling Nos. 7-8. Whilst the Planning Authority have included a condition requiring a schedule of materials and finishes to be agreed prior to the commencement of development, I am satisfied that the palette of materials as submitted as additional information and appeal stage is generally acceptable subject to compliance with the forementioned revisions.

#### **7.4. Residential Amenity**

- 7.4.1. In terms of the site surrounds, the appeal site is located to the immediate north of No. 8 Whitechurch Road and No. 50 St. Patrick's Cottages. No. 8 Whitechurch Road is served by an area of amenity space to its rear, whilst No. 50 St. Patrick's Cottages has a paved car parking area to its front which would appear to also serve as its primary amenity area. Concerns have been highlighted by the Third Party appellant with respect to scale of the proposed development and its overbearing form. The proposal seeks planning consent to demolish No. 6 Whitechurch Road within the south-western corner of the site and construct Dwelling Nos. 01-08 along the southern site boundary. The dwellings are orientated to the north and their rear amenity spaces will have a direct abuttal with the southern site boundary. Given the irregular alignment of the shared boundary, the dwellings provide a varied setback ranging from between c. 7.6m to c. 14m. The dwellings within this portion of the site will have a maximum height of c. 12.3m and given the form of the dwellings, the upper floor level of Dwelling Nos. 03-08 (as amended at appeal stage) are contained within a pitched roof profile on its southern roof slope and will read as a 3 no. storey building when viewed from the immediate south. Having regard to the separation distances provided from the southern site boundary, the scale, height and form of the proposed dwellings and the orientation of the site, whereby the proposed dwellings are located to the north of the properties on Whitechurch Road and St. Partick's Cottages to the south, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the site's vicinity by reason of loss of daylight/sunlight, overshadowing or by being visually overbearing. However, I am conscious of the first floor level window on the northern elevation of No. 50 St. Patrick's Cottages and the rear amenity space and north facing, ground floor level window (rear extension) on the

northern elevation of No. 6 Whitechurch Road. Given the irregular alignment of the boundary, I recommend the inclusion of a condition to revise the first and second floor level fenestration on the rear façade of Dwelling Nos. 03-08. Angled windows could be provided along this elevation in lieu of the current window arrangement to minimise direct overlooking of the properties to the south. Subject to compliance with this condition, I am satisfied that the proposed development is acceptable having regard to the residential amenity of the surrounding area.

7.4.2. To the east of the appeal site are terraces of double storey dwellings along the northern side of Tara Hill Crescent. A terrace of townhouses (Dwelling Nos. 09-16) which are orientated to the west are proposed within the eastern portion of the appeal site and their private amenity spaces have a direct abuttal with the eastern site boundary. As is the case with Dwelling Nos. 03-08 (as amended at appeal stage), the dwellings will read as having a 3 no. storey height given the upper floor level is contained within a pitched roof profile. The terrace has a combined length of c. 44m and the dwellings will have a maximum height of c. 12.3m. A minimum separation distance of c. 9.1m is provided from the rear façade of the terrace and the eastern site boundary. The rear amenity spaces of the properties to the east are located a further distance from the rear façade of the proposed dwellings as there is a strip of land between the appeal site and the properties along the northern side Tara Hill Crescent. Having regard to the separation distances provided from the eastern site boundary, the scale, height and form of the proposed dwellings and the orientation of the site, whereby the proposed dwellings are located to the west of the properties on Tara Hill Crescent, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the site's vicinity by reason of loss of daylight/sunlight, overshadowing, overlooking or by being visually overbearing. As noted, I have recommended a condition for a revised palette of finishes to be utilised for Dwelling Nos. 09-16. In my view, the use of a brick finish for the upper level facades of these dwellings will assist in reducing their overall massing and is a more durable finish which requires less maintenance. Subject to compliance with this condition, I am satisfied that the proposed development is acceptable having regard to the residential amenity of the surrounding area.

7.4.3. Policy H10 (Internal Residential Accommodation) of the current CDP seeks to 'ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes'. The internal floor areas of the proposed dwellings range in size from c. 170sq.m. – c. 233.5sq.m and exceed the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). In terms of private open space, Policy H9 (Private and Semi-Private Open Space) of the Plan seeks to 'ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments'. The Third Party appellant has raised concerns with respect to the adequacy of the private open space provision within the proposed development. The dwellings within the development are served by rear gardens which have floor areas that range in size from c. 50sq.m. – c. 112sq.m. In addition, supplementary private open space is provided in the form of a roof terrace with a floor area of c. 21sq.m. Combined, each dwelling is served by dedicated private amenity space which complies with the relevant development management standard as set out in Table 12.20 (Minimum Standards for Housing) of the current CDP i.e. a minimum of 70sq.m. Although I acknowledge that the rear amenity spaces of Dwelling Nos. 17, 18 and 21 have a northern orientation and are somewhat restricted in terms of their overall depth, the upper floor level south facing terraces will afford a good standard of amenity to its future occupants and I therefore deem the proposal to be acceptable.

## **7.5. Public Open Space & Drainage**

7.5.1. In terms of the scheme's public open space provision, the proposed development is to be served by a central landscaped open space area measuring c. 580sq.m. This equates to c. 10% of the total site area and is therefore in accordance with the standards set out in Table 8.2 (Public Open Space Standards) of the current CDP. I note that the Planning Authority was satisfied that the overall quantum of public open space provided for the proposed development was acceptable. The central open space area benefits from passive surveillance from the majority of dwellings within the development. In addition, the location of the open space area relative to Whitechurch Road is a positive design feature which allows the scheme's landscaping to be

integrated with and make provide a positive contribution to the streetscape character. Overall, I am satisfied that the proposal complies with the relevant objectives contained within Section 8.7.5 (Quality of Public Open Space) of the CDP.

7.5.2. I note that the Planning Authority has attached various conditions to the grant of permission relating to the Landscape Design Proposals, Landscape Maintenance and Play Provision. Notably, Condition No. 10(d) prohibits the proposed attenuation tank from being located under the main open space area for the proposed development. The condition notes that the proposed attenuation tank should be relocated and reduced in size through the provision of additional natural SuDS features as part of the storm/surface water drainage scheme for the proposed development. The Applicant has now appealed this condition and has requested that it be omitted.

7.5.3. Within their initial assessment of the application, the Planning Authority's Public Realm Section raised concerns that the majority of the public open space area was taken up by the proposed attenuation tank. It was noted within their report that the proposal places severe limitations on the potential use and landscaping of the open space into the future and it reduces both the amenity and usability of the open space provided. The Applicant was therefore requested to submit revised proposals with respect to the location of the attenuation tank within the open space area. In addition, the Applicant was requested to reduce the size of the proposed attenuation tank through the provision of additional natural SuDS features as part of the storm/surface water drainage scheme for the proposed development. In response to the concerns of the Planning Authority, a revised proposal was submitted which added SuDS features such as swales, infiltration trenches, rainwater gardens and permeable paving to reduce the surface water runoff and act as attenuation in storm events. However, the Applicant has indicated that it was not possible to attenuate the full 1:100 year storm event with SuDS features alone and an attenuation tank was still needed, albeit with a reduced storage capacity. It was also confirmed that there is no alternative suitable location within the appeal site that could accommodate the attenuation tank. As detailed on Drawing Nos. 21029-102 and 21029-105, the overall size of the underground attenuation tank and overground detention basis has been reduced from 221m<sup>3</sup> to 79m<sup>3</sup>. From a review of the second Planner's Report on the file, it would

appear that the initial commentary of the Public Realm Section is repeated, and it is not evident whether the Planning Authority has engaged with the Applicant's response in any meaningful way. However, a condition was recommended by the Planning Authority for the omission/relocation of the attenuation tank (i.e. Condition No. 10(d)).

7.5.4. Section 12.11.1 (iii) (Sustainable Urban Drainage System (SuDS)) of the current CDP notes that in some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. The policy indicates that such alternative measures will only be considered as a last resort. It is worth highlighting that the footprint of the attenuation tank as illustrated on Drawing No. 21029-102 has been reduced significantly and is now confined to the central lawn area of the open space. The outline of the revised attenuation tank has been illustrated on the Play Area Specification plan (Drawing No. 7260-L-102). However, I note that this indicative outline has not been updated on the amended landscape plan that was submitted by way of additional information (i.e. Drawing No. 7260-L-101), and therefore further encroaches into the proposed open space area as originally proposed. Although I acknowledge that the Applicant has incorporated additional SuDS features and has reduced the capacity of the attenuation tank, the Applicant has enclosed a memo in support of the appeal from Poga Consulting Engineers which indicates that it is possible to remove the underground storage element of the attenuation system and increase the detention basin storage volume. Given an alternative solution has been put forward by the Applicant, in my view it is reasonable to amend Condition No. 10(d) accordingly so that the attenuation tank is replaced by a detention basin with an increased storage volume. Subject to compliance with this condition, I deem the proposed development to be acceptable.

7.5.5. The Applicant has also appealed Condition No. 2(d). The condition requires the reconfiguration of the south-eastern corner of the site so that Dwelling No. 08 is omitted, and the bicycle storage building relocated in order for it to be set back by a minimum of 3m from the existing surface water pipe which runs adjacent to the eastern site boundary (i.e. outside the appeal site). This strip of land to the east of the site is

located between the appeal site and Tara Hill Crescent and a palisade style fence forms its eastern boundary. Within their initial assessment of the application, the Planning Authority requested the Applicant to explore whether the site boundary (red line) should be extended to include this strip of land and consider whether permeability and appropriate landscaping could be provided which allowed for dedicated access. It was also noted that an appropriate setback distance of structures from any pipe should be provided (noting the location of Dwelling No. 8 and the bicycle shed). As part of their additional information response, the Applicant noted that the strip of land was not within their ownership, nor could a landowner be identified. In their assessment of the additional information response, the Planning Authority noted that because the pipe is not located in land within the ownership or control of the Applicant, the realignment of this pipe cannot be guaranteed through this proposal. For this reason, Condition No. 2(a) was included, and the Applicant would be required to submit a revised application for this portion of the site where adequate separation distances could be achieved.

- 7.5.6. In their grounds of appeal, the Applicant confirms that the position of the surface water pipe is located over 3m away from Dwelling No. 8 and the bicycle shed. It is stated that the works to relocate the surface water pipe were completed prior to a decision being made on the application but did not form part of this application documentation. This is also confirmed and documented in the Applicant's additional information response. As the Applicant has put forward robust rationale in their additional information response for not including the lands to the east within the development proposal, it is unclear how they obtained consent for the relocation of the infrastructure on lands that are outside their control. Notwithstanding, the Applicant's submitted documentation confirms that the surface water pipe has been relocated and the separation distances between Dwelling No. 8, the bicycle shed and the surface water pipe exceed 3m. Given the Planning Authority has raised no additional concerns with respect to the design, form and siting of both the shed and dwelling in question, I consider that the inclusion of this condition to be unwarranted in this particular instance given the required setbacks are achieved as detailed on the submitted documentation. For this reason, I am satisfied that Condition No. 10(d) can be omitted.

## **7.6. Appropriate Assessment**

- 7.6.1. 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) which are located c. 5.7km to the south of the site. Other Natura 2000 sites within the 15km precautionary zone of influence of the appeal site include:

- South Dublin Bay SAC (Site Code 000210) (c. 6km from appeal site)
- South Dublin Bay and Rive Tolka Estuary SPA (Site Code 004024) (c. 6.1km from appeal site)
- Glensmole Valley SAC (Site Code 001209) (c. 6.5km from appeal site)
- Knocksink Wood SAC (Site Code 000725) (c. 10km from appeal site)
- North Bull Island SPA (Site Code 004006) (c. 10.3km from appeal site)
- North Dublin Bay SAC (Site Code 000206) (c. 10.3km from appeal site)
- Ballyman Glen SAC (Site Code 000713) (c. 10.3km from appeal site)
- Dalkey Islands SPA (Site Code 004172) (c. 12.8km from appeal site)
- Rockabill to Dalkey SAC (Site Code 003000) (c. 13km from appeal site)

7.6.2. The Applicant has submitted an Appropriate Assessment (AA) Screening Report in support of the application. The report notes that the appeal site has a western abuttal with the Whitechurch/Kilmashogue Stream, a tributary of the River Dodder. In terms of surface water management, a new surface water network will be constructed flowing towards the attenuation tank on site and attenuated and treated surface water will then flow west crossing Whitechurch Road before being discharged into the Whitechurch/Kilmashogue Stream via a new surface water outfall pipe.

7.6.3. The AA Screening Report indicates that a 'weak hydrological pathway' exists with the below 4 no. Natura 2000 sites via surface water discharges from the site and wastewater which will ultimately be treated at Ringsend wastewater treatment plan and discharged into Dublin Bay:

- South Dublin Bay SAC (Site Code 000210)
- South Dublin Bay and Rive Tolka Estuary SPA (Site Code 004024)
- North Bull Island SPA (Site Code 004006)
- North Dublin Bay SAC (Site Code 000206)

7.6.4. The construction of the surface water outfall into the Whitechurch/Kilmashogue Stream will involve the installation of a precast headwall. Once operational, surface water from the proposed development will be attenuated and treated on site, prior to

discharge to the Whitechurch/Kilmashogue Stream. The AA Screening Report notes that the potential for surface water generated at the site of the proposed development to reach the European sites within Dublin Bay and cause significant effects, during both the construction and operational phases, is deemed to be negligible due to:

- The significant downstream distance and consequential potential for dilution and dispersion in the surface water network.
- The temporary nature of the construction works.
- The minor nature of the construction works adjacent to the Whitechurch/Kilmashogue Stream, which will involve the installation of a precast headwall.
- The relatively small size of the proposed development
- The results of the Flood Risk Assessment which notes that the site is considered to have an overall low risk of flooding and is considered to be suitable for the proposed development.

In addition, the AA Screening Report notes that the surface water runoff from the operational phase of the proposed development will be discharged to the public surface water sewer once attenuated and treated via a suite of SuDS infrastructure including permeable paving and an underground attenuation. It is also highlighted that the SuDS features are in no way being relied upon as a method of mitigating potential impacts to European sites arising from the proposed development. In terms of foul water from the operational phase of the proposed development, it is confirmed that it will be discharged to the public foul network on Whitechurch Road where it is subsequently treated at the Ringsend wastewater treatment plant. Further to this Section 3.5.2.4 indicates that the appeal site provides no suitable ex-situ foraging, roosting or breeding habitat for any wintering waterfowl or shore bird species associated with the SPAs noted above. In addition, it is stated that the proposed development does not have the capacity to cause any significant disturbance and or displacement to any species within any European sites due to the intervening distances between the site of the proposed development and the European sites.

7.6.5. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment and the rationale provided in the submitted AA Screening Report which I have outlined in the foregoing, that no

appropriate assessment issues arise in this instance and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 Recommendation

8.1. Grant of permission is recommended.

## 9.0 Reasons and Considerations

9.1. Having regard to:

- (a) the residential zoning objective (RES) of the site;
- (b) the provisions of the South Dublin Development Plan, 2022-2028;
- (c) the historical and established use on site and the character and pattern of development in the area; and,
- (d) the nature, scale, and design of the proposed development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, is acceptable having regard to the architectural character of the site and surrounding area and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, and as amended by further plans and particulars received on the 25 <sup>th</sup> August 2022, and as amended at appeal stage as received by the Board on 18 <sup>th</sup> October 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. In default of
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	<p>agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ol style="list-style-type: none"> <li>a. A privacy screen provided on the north-north east side boundary of the roof terrace of Unit 16. Opaque glazing provided to any above ground floor windows on the north-north east elevation of Unit 16.</li> <li>b. The first and second floor level fenestration on the rear façade of Dwelling Nos. 03-08 shall be revised to provide angled windows in lieu of the current window arrangement. Details of which shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</li> </ol> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area and to minimise direct overlooking of the properties to the south.</p>
3.	<p>The palette of materials and finishes shall accord with the plans and particulars as amended at appeal stage as received by the Board on 18<sup>th</sup> October 2022. Samples and images of the final palette of materials and finishes should be provided to the Planning Authority for written agreement and shall include full details on materials and finishes for all elements of the development, including the boundary treatment along Whitechurch Road. In addition, a brick finish shall be utilised for the principal facades (front, side and rear) of Unit Nos. 09-16 in lieu of the proposed render finish, similar to what is proposed for Dwelling Nos. 07-08.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<ol style="list-style-type: none"> <li>a. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</li> </ol>

	<p>b. An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except whereafter not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c. The determination of the Planning Authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the Applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the Planning Authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, and the common good.</p>
5.	<p>a. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.</p> <p>b. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.</p> <p>c. Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.</p> <p>d. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development, the applicant shall submit</p>

	<p>construction details of all items to be taken in charge. No development shall take place until these items have been agreed.</p> <p>e. The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, to improve forward visibility for vehicles.</p> <p><b>Reason:</b> In the interest of sustainable transport, traffic and pedestrian safety and the amenity of the surrounding area.</p>
6.	<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><b>Reason:</b> In the interest of public health.</p>
7.	<p>All floor levels shall be a minimum of 500mm above the highest known flood level for the site.</p> <p><b>Reason:</b> To ensure any risk of flooding is addressed.</p>
8.	<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>
9.	<p>Prior to the commencement of development that applicant/developer shall submit, for the written agreement of the Planning Authority, a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.</p> <p><b>Reason:</b> To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives of the County Development Plan 2022-2028.</p>
10.	<p>Prior to the commencement of development, the applicant/developer shall</p>

submit, for the written agreement of the Planning Authority, following consultation with SDCC's Public Realm Section if needed, a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. This shall include the following:

- a. A comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.
- b. A fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape. Street Frontage to the Whitechurch Road should to include street trees planting where possible.
- c. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.
- d. Unless otherwise agreed in writing with the Planning Authority, the proposed attenuation tank shall be replaced by a detention basin with an increased storage volume, the detail of which is to be submitted for written agreement prior to the commencement of development.
- e. The applicant shall submit a revised landscape plan to incorporate additional street trees. Proposed Street trees within the development shall be provided fully in Public Areas and not between private or management company driveways. Street Tree Planting shall be located within the Public Realm and include SUDS features.
- f. The applicant/developer shall submit a detailed play strategy for the written agreement of the Planning Authority.
- g. A scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme.

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

11.	<p>Prior to any occupation of the development, a scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
12.	<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><b>Reason:</b> In the interest of residential amenity.</p>
13.	<p>A Green Space Factor (GSF) Worksheet shall be submitted by the applicant for the proposed development detailing how they have achieved the appropriate the minimum Green Space Factor (GSF) scoring established by their land use zoning. Completed Green Space Factor (GSF) worksheets should be submitted to SDCC with the Green Infrastructure Plan and Landscape Plan for a proposed development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
14.	<ol style="list-style-type: none"> <li>a. The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.</li> <li>b. (Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.</li> <li>c. The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion</li> </ol>



	<p>of Archaeological Monitoring.</p> <p><b>Reason:</b> To facilitate the recording and protection of any items of archaeological significance that the site may possess.</p>
15.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
17.	<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 amenities of property in the vicinity.</p>
18.	<p>During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
19.	<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</p>

	<p>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>
20.	<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>

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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Enda Duignan  
 Planning Inspector

14/09/2023