



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315000-22

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<b>Development</b>	Construction of 4 houses and all associated site works.
<b>Location</b>	Harrow House, Church Road, Killiney, Co. Dublin (a Protected Structure)
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D22A/0617
<b>Applicant</b>	Louise Reynolds
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Louise Reynolds
<b>Observers</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> July 2023
<b>Inspector</b>	Margaret Commane

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## 1.0 Site Location and Description

- 1.1. The area surrounding the subject site, at Harrow House, Church Road, Killiney, Co. Dublin, is a mature residential area featuring a mix of two and three storey detached and semi-detached dwellings, some of which are Protected Structures.
- 1.2. The appeal site is located on the eastern side of Church Road (the R118) and comprises an area of 0.093Ha. More specifically, the site comprises part of the front garden of Harrow House which is an existing two storey detached period dwelling (a Protected Structure) located immediately east. The wider Harrow House landholding comprises an area of 0.47ha. The appeal site is accessible from Church Road via the existing vehicular access road serving Harrow House. There is a significant amount of mature trees/landscaping featuring on site and there is a slight fall towards Church Road across the part of the front garden proposed for redevelopment. Boundary treatments proximate to the subject site comprise of a 2 metre natural stone wall along Church Road frontage and a 3 metre block wall along the southern boundary.
- 1.3. Balure Lane runs along the northern boundary of the wider Harrow House site and serves a number of detached dwellings as well as a recently constructed housing development to the north. To the south of the wider Harrow House site is the residential development of Coundon Court which comprises two storey detached dwellings. Of the houses featuring within this development, No. 5 Coundon Court, is located immediately proximate to the site's southern boundary. Church Road runs proximate to the site's western boundary, a 5 metre wide landscaped strip separating the two. Church Road forms part of the 'Six-year Road Objective' outlined for the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout) and is identified as a future Quality Bus Corridor.
- 1.4. The site is well served by public transport as it is located within c. 400 metres of the Church Road Bus Stop which is served by Bus Routes No. 7D, 45A and 45B and 800 metres of the Church View Road Bus Stop which is served by Bus Routes No. 7, 7A, 7B, 7D, 45A, 45B and 111.

## 2.0 Proposed Development

2.1. Planning permission was sought for: - construction of 4 no. residential dwellings (with a total area of c. 437sqm), consisting of 3 no. 2-storey 2-bedroom townhouses and 1 no. 2-storey 4-bedroom detached dwelling, all with associated ground floor private garden and first floor screened rear terrace. The townhouses will be served by 1 no. car parking space and the detached dwelling by 2 no. car parking spaces accessible from Church Road via a new internal access road off the existing vehicular access road serving Harrow House. The proposed development will be contemporary in design, featuring a flat roof, and materials/finishes will consist of render and timber cladding.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 13<sup>th</sup> October 2022, the Planning Authority refused permission for the following reason:

- 1. Having regard to the objective to provide an upgrade scheme along Church Road (as part of the Cherrywood to Dún Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout), as identified on Map 7 and Table 5.3 in the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, it is considered that the proposed development would entail a significant alteration of the existing road layout for the area. It is therefore, considered that the proposal would be premature pending the determination of the road layout of the area and the detailed design for the scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dún Laoghaire town centre and the*

*M50/N11, and for which there is 'Six-year Road Objective' as part of the Cherrywood to Dún Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout), as identified on Map 7 and Table 5.3 in the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, would have a seriously adverse impact on the carrying capacity of this link road, would result in queueing and, if granted, would set an undesirable precedent for further residential development accessing onto Church Road with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- Having regard to the planning history on site, it is considered that one of the fundamental issues to be addressed with respect to the objectives contained within the Dén Laoghaire-Rathdown County Development Plan 2022-2028, is the matter of road improvements along Church Road that will facilitate a Bus Priority Scheme. The development now proposed increases the quantum of development to 4 no. residential units, with access for Harrow House and the new houses onto Church Road.
- The proposal provides for a residential density of c. 43 no. units per hectare based on a site area of 0.47ha which is slightly below the preferred minimum residential density of 50 dwellings per hectare set out in national planning policy. However, in this regard, the proposed density is considered to be acceptable at the location and is responsive to the pattern of development in the immediate area.
- Having regard to the overall scale, height and form of the proposed development, its setback from the western site boundary and the orientation of the site, whereby the proposed dwellings are located to the south of Balure, the Planning Authority is generally satisfied that the proposed development will not

unreasonably compromise the residential amenity of the properties to the north by reasons of by being visually overbearing.

- The Planning Authority is generally satisfied that the dwellings are designed to a high standard and are of a scale, height and form which are sympathetic to the character of the site and surrounds. The proposal is therefore generally considered to be acceptable having regard to the visual amenity of the surrounding area.
- With regards to the ground floor garden and first floor terrace serving each of the proposed dwellings, the Planning Authority is generally satisfied that good quality private open space is being provided.
- The proposal includes the relocation of 2 no. trees, as indicated in the submitted Landscape Plan. There is some ambiguity surrounding the precise number and position of trees to be relocated/removed in order to facilitate the proposed development. In the event a grant of planning permission were to be considered for the proposed development, matters relating to landscaping would require further assessment.
- Having regard to the proposed development and the content of the Transportation Department report, it is considered that the proposed development would be premature pending the design and outcome of the future road improvement scheme and the proposed development, that would increase vehicular movements onto Church Road, would set a poor precedent for future development in the area, in the absence of an upgraded road. In this regard, the key issue of transportation infrastructure remains, and in the absence of an approved road improvement scheme, it is difficult to determine how any redevelopment involving additional dwellings, could be achieved.
- It is considered that the proposed development is unacceptable and would not comply with the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022- 2028. The key issues with the proposed development are considered to be that of increased vehicular movements which would impact on the carrying capacity of the road.

- The issue of traffic hazard from increased vehicular movements from a single new residential dwelling onto Church Road was not considered to warrant as a reason for refusal by An Bord Pleanála in the previous application (Reg. Ref. D19A/0475). DLR Transportation Planning have raised concerns regarding the effect of the development on the use of a major road by traffic generated by the proposed development and the development being premature pending the upgrade of the road. Therefore, it is recommended that these are included as reasons for refusal in this decision.
- Having regard to the assessment above, it is considered that the proposed development would be contrary with the proper planning and sustainable development of the area and should therefore be refused.

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

**Transportation Planning (10/10/2022):** Recommended that the application be refused for the following reasons:

1. *Precedent - i.e. the proposed residential development, by itself, or by the precedent that the grant of permission for it would set for other relevant development, would adversely affect the use of a major road by traffic. - i.e. Clause 7 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which exclude Compensation) of the Planning and Development Act, 2000*
2. *Premature – i.e. having regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and to the objective to provide an upgrade Scheme along Church Road (part of the route from Cherrywood to Dun Laoghaire), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore, considered that the proposal would be premature pending the determination of the road layout of the area and the detailed design for the scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. - i.e. Clause 1 (e), of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which exclude Compensation) of the Planning and Development Act, 2000.*

**Conservation Division (28/09/2022):** No objection.

**Environmental Section (16/09/2022):** Recommended that further information be requested regarding construction/demolition waste management, construction management, noise resulting from construction and operational phase and operational waste management. If planning permission was contemplated on the basis of the submitted documents, they outlined a series of conditions that should be attached pertaining to construction waste, liaison with the public, noise management, pest control, operational waste management, monitoring and construction management.

**Drainage Planning (30/09/2022):** Recommended that further information be requested regarding surface water runoff and the surface water design approach.

**Environmental Health Officer (07/10/2022):** Recommended that further information be requested requiring a Construction Environmental Management Plan, a noise assessment/plan and a Resource & Waste Management Plan.

**Building Control (06/09/2022):** No objection, subject to compliance with conditions.

### 3.3. Prescribed Bodies

**Irish Water (30/09/2022):** Recommended that the submission of a Pre-Connection Enquiry be requested in order to determine the feasibility of connection to the public water/waste water infrastructure.

### 3.4. Third Party Observations

4 no. third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Pedestrian safety along Church Road in light of increased traffic.
- The subject development will start incremental development of more of the site.
- The new shared access would provide increased level of access to rear boundary walls of neighbouring properties which would increase potential for burglaries.



- Loss of vegetation on site and resultant loss of privacy.
- Alleged unauthorised diversion of existing drain/septic tank system.
- Invalid statutory declaration ref. no. V/05122.
- Right of way/easement concerns.
- One observation expressed support for the application, concerns raised in previous applications Reg. Ref. D15A/0655, D16A/0334, D17A/1054 and D19A/0475 having been deemed to be addressed.

## 4.0 Planning History

### 4.1. Subject Site

4.1.1. The following 4 previous applications pertaining to the subject site are of relevance:

***PA Reg. Ref. D19A/0475 (ABP Ref. ABP-305485-19)***

Permission was sought for modifications to the internal access road and curtilage of Harrow House and the construction of 1 no. 2-storey 5-bedroom detached dwelling.

Permission was refused by Dun Laoghaire Rathdown County Council on 28<sup>th</sup> August 2019 for 4 no. reasons pertaining to the Bus Priority Scheme to be provided along Church Road (part of the route from Cherrywood to Blackrock), additional traffic turning movements generated by the proposed development onto Church Road, the quantum of development proposed and the design and layout of the proposed development.

Permission was refused by the Board in January 2020, the Board's Order outlining the following reasons and considerations:

*'Having regard to the quantum of development proposed, providing a total of two units within a site area of 0.47 hectares, the Board considered that the resultant residential density and mix of house types failed to comply the requirements of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, May 2009) and the*

*provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*In deciding not to accept the Inspector's recommendation to refuse permission for reasons of prematurity pending the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme, the Board had regard to the recently granted residential developments (An Bord Pleanála Reference Numbers ABP-301334-18 and ABP-301148) along Church Road and considered that the design of the proposed development which is set back from the road edge would not compromise the bus or road objectives on Church Road.'*

**PA Reg. Ref. D17A/1054 (ABP Ref. ABP-301074-18)**

Permission was sought for modifications to Harrow House, including partial demolition of the house and a 2 storey rear extension, and construction of 3 no. 2 storey, 4-bedroom detached dwellings. The development also provided for a new vehicular access from Balure Lane and a new pedestrian access to Church Road and closure of existing vehicular access to Church Road.

Permission was refused by Dun Laoghaire Rathdown County Council in February 2018 for 4 no. reasons pertaining to the Bus Priority Scheme to be provided along Church Road (part of the route from Cherrywood to Blackrock), additional traffic turning movements generated by the proposed development onto Church Road, the quantum of development proposed and the housing mix proposed.

Permission was refused by the Board in September 2018, the Board's Order outlining the following reasons and considerations:

*'Having regard to the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme would entail a significant alteration of the existing road layout for the area. It is considered, therefore, that the proposed development would be premature pending the determination of the road layout for the area and the detailed design for the*

*proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'*

**PA Reg. Ref. D16A/0334 (ABP Ref. ABP06D.247005)**

Permission was sought for modifications to Harrow House modifications to Harrow House and construction of 14 No. new residential units. The development also provided for closure of access on Church Road, new access from Balure Road, new internal access road, car parking, landscaping, boundary treatments, site development works and services.

Permission was refused by Dun Laoghaire Rathdown County Council in July 2016 for 4 no. reasons pertaining to additional traffic turning movements generated by the proposed development onto Church Road, proposed housing density, open space provision and impact on residential amenities.

Permission was refused by the Board in December 2016, the Board's Order outlining the following reasons and considerations:

*'Having regard to the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered, that the proposal would be premature pending the determination of the road layout of the area and the detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'*

**PA Reg. Ref. D15A/0655 (ABP Ref. ABP06D.247005)**

Permission was sought for: 1. Modifications to Harrow House including demolition of rear return and non-original southern wing and construction of 2-storey extension to rear. 2. Construction of 9 no. 4-bedroom 3-storey detached dwellings. 3. Closure of existing vehicular entrance and opening of new vehicular entrance to Church Road. 4. New internal access road, car parking, landscaping, boundary treatments, site development works and services.

Permission was refused by Dun Laoghaire Rathdown County Council in December 2015 for 4 no. reasons pertaining to additional traffic turning movements generated by the proposed development onto Church Road, proposed housing density and impact on residential amenities.

#### 4.2. **Adjacent Sites**

4.2.1. There have been no recent applications on sites immediately adjacent to the subject site of relevance.

#### 4.3. **Sites in the Vicinity**

4.3.1. There has been a no. of recent applications in the vicinity of the subject site that are pertinent to the current proposal. These are summarised below.

Site comprising of Kylemore, Woodlawn, Rockwinds, Smallacre, Church Road & No. 66 Watson Drive, Church Road, Killiney, Co. Dublin (further north of the subject site)

##### **ABP Ref. ABP-309807-21**

This application involved a proposal for a strategic housing development involving: demolition of existing buildings and construction of 255 no. residential units (7 no. houses and 248 no. apartments) and a childcare facility on the site, served by 220 no. car parking spaces accessible via a new vehicular/pedestrian access route off Watson Road. The three existing vehicular accesses off Church Road pertaining to Smallacre, Woodlawn and Rockwinds will be closed up and replaced with two pedestrian and cycle accesses.

The development was granted by the Board in July 2021, subject to 27 no. conditions, including Condition No. 2(e) pertaining to the Church Road frontage. Condition No. 2(g) reads as follows:

*2. Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing with the planning authority with regard to the following:*

(e) *Full details of the boundary along Church Road which shall be set back/constructed behind the Church Road reservation line to accommodate the future R118 Wyattville Road to Glenageary Road upgrade and Quality Bus Corridor.*

**Reason:** *In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.*

Site of c.0.9ha consisting of 'Arranmore' & 'San Michele', Church Road & No. 19 Watson Road, Killiney, Co. Dublin (further north of the subject site)

**PA Reg. Ref. D17A/0868/ABP Ref. ABP-301128-18 (Parent Permission)**

This application involved involving: - demolition of existing buildings, construction of 42 no. new residential units (18 no. house and 24 no. apartments) on the site, served by 163 no. car parking spaces accessible via a new vehicular/pedestrian access route off Watson Road and refurbishment of existing house at No. 19 Watson Road. Three existing vehicular accesses onto Church Road will be closed up while maintaining one as pedestrian/cycle access.

Permission was granted by Dun Laoghaire Rathdown County Council in February 2018. The application was appealed to the Board by a no. of third parties (ABP Ref. ABP-301128-18). Permission was granted by the Board in September 2018, subject to 23 no. conditions, including Condition No. 15 pertaining to the Church Road frontage. Condition No. 15 read as follows:

15. (1) *Prior to commencement of the proposed development on site, the applicant shall ensure that the Church Road reservation line to accommodate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', be set out by the contractor and agreed with the planning authority. The front face (roadside) of the required set back proposed front boundary wall along Church Road shall be constructed along or behind this line.*

(2) *The applicant shall ensure that the area of land between the public footpath and the required set back proposed front boundary wall on Church Road shall be reserved free of development, ceded to Dun Laoghaire-Rathdown County*

*Council to facilitate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', levelled and grassed accordingly at the applicant's own expense.*

**Reason:** *In the interest of ensuring the future completion of the proposed 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)' and in the interest of proper planning and sustainable development of the area.*

Construction has commenced on site.

#### **PA Reg. Ref. D20A/0141**

The Planning Authority granted permission in July 2020 for an amendment to the previous permission (Reg. Ref: D17A/0868 & ABP-301128-18) comprising: - replacement of a permitted terrace of 10 no. two storey houses (Units 9-18) with 16 no. duplex apartment units, comprising 8 x 1-bed units at ground floor and 8 x 2-bed units at first and second floors; and the demolition/rebuilding of No. 19 Watson Road to the same design as approved.

Churchview Road and Church Road, Killiney, Co. Dublin (further north of the subject site)

#### **ABP Ref. ABP-304823-19**

This application involved a proposal for a strategic housing development involving: demolition of existing buildings and construction of 210 no. apartments, a creche and a communal facility for residents, served by 227 no. car parking spaces accessible via Churchview Road. The development was granted by the Board in October 2019, subject to 17 no. conditions. Construction has commenced on site.

## **5.0 Policy Context**

### **5.1. Dún Laoghaire Rathdown County Development Plan 2022-2028**

#### **5.1.1. Land Use Zoning**

The subject site is zoned Objective 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective '*to provide residential*

*development and improve residential amenity while protecting the existing residential amenities.'*

#### **5.1.2. Other Relevant Sections/Policies**

Harrow House is a Protected Structure (RPS. No. 2040) and there is a specific objective *'to protect and preserve trees and woodlands'* on the site. Church Road forms part of the 'Six-year Road Objective' outlined for the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout) in Table 5.3 of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

The following policies are considered relevant to the consideration of the subject proposal:

#### **Section 4.3.1 Delivering and Improving Homes**

*'Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged.'*

*Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity.'*

#### **Section 4.3.1.1 Policy Objective PHP18: Residential Density**

*'It is a Policy Objective to:*

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.'*

### **Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity**

*'It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.'*

### **Section 4.4.1.1 Policy Objective PHP35: Healthy Placemaking**

*'It is a Policy Objective to:*

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.*
- Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).*
- Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.'*

### **Section 4.4.1.8 Policy Objective PHP42: Building Design & Height**

*'It is a Policy Objective to:*

- Encourage high quality design of all new development.*
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).'*

### **Section 5.8.1: Policy Objective T23 - Roads and Streets**

*'It is a Policy Objective, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities, subject to the outcome of environmental assessment (SEA, EIA and AA), flood risk assessment and the planning process'.*



## **Section 11.4.1.2: Policy Objective HER8 - Work to Protected Structures**

*'It is a Policy Objective to:*

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.*
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*

- x. *Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).'*

### **Section 12.3.3 Quantitative Standards for All Residential Development**

#### **Section 12.3.7.7 Infill**

*'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.'*

#### **Section 12.4.5.6 Residential Parking**

A car parking rate of 1 space per 2 bedroom house and 2 spaces per 3+ bedroom houses is specified for sites located within Parking Zone 3.

#### **Section 12.8.3.1 Public Open Space**

Table 12.8 sets out a minimum public open space requirement of 15% of the site area for residential development in an existing built up area. To qualify as public open space the area must be designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge. It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended.

#### **Section 12.8.3.3 Private Open Space**

Table 12.10 sets out a minimum private open space requirement of 48sqm for 1-2 bedroom dwellings, 60sqm for 3-bedroom dwellings and 75sqm for 4+ bedroom dwellings.

### **Section 12.8.11 Existing Trees and Hedgerows**

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands.

### **Section 12.11.2.3 Development within the Grounds of a Protected Structure**

Any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments. Any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever this.
- Where a Protected Structure is part of a larger development then the phasing of the works needs to ensure that those relating to the Protected Structure take place early on, preferably first, or in tandem (as agreed by the Planning Authority), so that the conservation, and use of the Protected Structure is secured at the start of the project.
- Development proposals within historic landscapes and gardens shall include an appraisal of the existing landscape character to include identification and description of the structures, features, planting, and boundaries. This appraisal should be undertaken prior to the initial design of any development, as it will provide an understanding of the essential character of the site and help to inform the appropriate location for any development.
- Have regard to the development management criteria as set out in Chapter 3 of the Department of Housing, Planning and Local Government, (DHPLG), 'Urban Development and Building Height Guidelines'; and shall indicate how the proposed development responds to its overall natural and built environment, and make a positive contribution to the urban neighbourhood and streetscape; ensure the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the

proposal positively contributes to the mix of uses, and/or building/dwelling typologies available in the neighbourhood.

- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.’

### **Appendix 5: Building Height Strategy**

It is a policy objective (Policy Objective BHS 1- Increased Height) to *‘support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.*

.....

*Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.’*

## 5.2. National Policy/Section 28 Ministerial Guidelines

### 5.2.1. National Planning Framework 2018-2040

The National Planning Framework – Project Ireland 2040 was published in February 2018. This document will guide strategic planning and development for the country over the next 20+ years, to ensure the population grows in a sustainable manner (in economic, social and environmental terms). National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

A number of key National Policy Objectives are noted as follows:

- National Policy Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs.
- National Policy Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.
- National Policy Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35 promotes increased densities through measures including infill development, area or site-based regeneration and increased building height.

### 5.2.2. **Housing for All – A New Housing Plan for Ireland (2021)**

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

This plan requires the public and private sector to work together to reach the overall target of 300,000 homes by 2030, equating to an average of 33,000 homes per year. Of these 33,000 homes, 6,500 will comprise new private rental homes. Pathway 2, among other things, is working towards eradicating Homelessness by 2030 and the Government commits to working with Local Authorities, Non-Government Organisations (NGOs), Approved Housing Bodies (AHBs) and the HSE, to support people experiencing homelessness into long-term sustainable accommodation.

### 5.2.3. **Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DoEHLG 2009), and the accompanying Urban Design Manual**

These guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50 / ha in such corridors, subject to appropriate design and amenity standards. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards. Close to the facilities of city and town centres or in proximity to public parks or coastal and other natural

amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution in lieu of public open space within the development.

#### **5.2.4. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011)**

The subject site is within the curtilage of Harrow House which is a designated Protected Structure, RPS No. 2040. Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures or within an Architectural Conservation Area. Section 3.5 of the Guidelines relates to proposals within the curtilage of a Protected Structure. In this regard, proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure. Further to this, where a large house or an institutional building has a garden which contributes to the character of the protected structure, subdivision of the garden, particularly by permanent subdividers, may be inappropriate.

### **5.3. Natural Heritage Designations**

5.3.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the Rockabill to Dalkey Island SAC (Site Code 003000) located c. 2.6km east.

## 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The proposed development was refused for one traffic and transport related reason. It is apparent, therefore, that the Planning Authority had no other concerns whatsoever with the subject proposal.
- From a review of the planning file and various internal reports, it is evident that all other assessments were positive in respect of the development. Upon review of the Conservation Officer commentary, it is considered that there are no impacts on the character or setting of the Protected Structure arising from the proposed development. It is worth noting that Harrow House was designated a Protected Structure for the first time in the current 2022-2028 Development Plan, which necessitated a very careful design approach. This constraint was not applicable to the previous development proposal on site.
- It is considered that the further information requested by the Drainage Division and Environment Section can be easily dealt with by way of condition.
- When discussing the planning history for the site, the Planners Report fails to acknowledge or discuss the key fact that the Board refused planning on the site (Reg. Ref. D19A/0475/ABP Ref. ABP-305485) for one reason only, but specifically noted: - *'in deciding not to accept the Inspector's recommendation to refuse permission for reasons of prematurity pending the determination of*



*the road layout for the area and the detailed design for the proposed Bus Priority Scheme, the Board had regard to the recently granted residential developments (An Bord Pleanála Reference Numbers ABP-301334-18 and ABP-301148) along Church Road and considered that the design of the proposed development which is set back from the road edge would not compromise the bus or road objectives on Church Road.'* This is the critical aspect of the site's most recent planning history and categorically confirms that An Bord Pleanála, as recently as 2020, explicitly discounted the prematurity issue related to the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme on Church Road as a reason for refusal regarding development on this site.

- That Board decision was made on the basis of the existence of a number of significant residential development proposals having been granted permission in recent years on sites that interface with Church Road and where it was determined that the design of these developments would not compromise the Church Road bus or road improvement objectives.
- Previous An Bord Pleanála assessments both on the subject site and in the vicinity have also addressed this issue definitively in respect of Church Road. These include ABP Ref. ABP-303043-18 (Reg. Ref. D18A/0838) concerning a proposed infill residential development at Violet Hill, which is also located off Church Road close to the subject site. It is contended that the reasoning outlined in relation to the Violet Hill proposal can be applied in the context of the subject proposal. In addition, the two permissions referred in the Inspectors Report pertaining to the Violet Hill appeal and the previous Board refusal for the subject site (ABP Refs. ABP-301334-18 and ABP-301128-18), is clear evidence that the carrying capacity of Church Road, prematurity pending road upgrades and precedent are settled matters with An Bord Pleanála in respect of this site. Therefore, it is wholly inconsistent in planning decision making terms for DLRCC to now re-introduce the prematurity issue into the current assessment in direct contradiction of the Board's most recent determination regarding development on this site.

- The Planners Assessment seeks to argue that the difference between 1 no. additional unit as proposed in the previous application and 4 no. additional units as currently proposed, both using an existing access off Church Road, is material such that it will give rise to a traffic hazard warranting refusal of permission. This line of assessment is stretching credulity on traffic grounds but also makes no logical sense in the context of the site's planning history and the Board's actual refusal reason.
- The most recent Board decision in respect of the site stated that the residential density proposed being too low did not accord with what was required in national guidance/the Development Plan. The logical interpretation of this decision was that the Board was clearly signalling that additional density was necessary on the site to accord with the relevant guidance, which, in turn, must mean some increase in residential units.
- The appeal is accompanied by a letter, prepared by Roughan O'Donovan Consulting Engineers, which discusses traffic movements generated by the proposed development/traffic capacity and safety on Church Road in light of the Transportation Department's commentary and the reason for refusal. It concludes that the proposed development will not have any material adverse impact on the traffic capacity or safety on Church Road, it would not set an undesirable precedent, and the location and layout of the access is consistent with the requirements of the appropriate design standards.
- With regards to residential density, at 43 units per Ha on the developable site, the Planners Report considers this density to be suitable given the location/pattern of development in the immediate area. This resolves the Board's previous reason for refusal.
- The Planners Report deems impact on residential amenities, impact on visual amenity and open space provision to be appropriate in the context of the proposed development.
- With regard to the 6-year Road Objective referenced in the refusal reason, it is noted that this same roads objective existed in previous Development Plans

dating back to 2004. The presence of this objective has not precluded the Planning Authority or the Board from permitting significant residential development proposals in this area and along Church Road.

- In the context of the first part of the refusal reason (regarding the introduction of the R118 Wyatteville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)) - both ABP Ref. ABP-301334-18 and ABP Ref. ABP-301128-18 include conditions requiring the reservation of land along the Church Road frontage to accommodate the future R118 Wyatteville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC). These extant grants of permission/conditions provide clear evidence that this issue did not constitute grounds for refusal regarding previous residential development proposals fronting Church Road. The current proposal maintains the approved reservation line and facilitates a 5m setback from Church Road to ensure any future road proposals can be readily accommodated on the site and should be similarly acceptable.
- This part of the decision also states that '*the development would entail a significant alteration of the existing road layout for the area*'. This is not accepted as the proposed development will access Church Road by way of the existing access arrangement, which will remain in situ regardless of any changes to Church Road.
- In the context of the second part of the refusal reason (regarding traffic turning movements/traffic hazard) – as outlined in the letter, prepared by Roughan O'Donovan Consulting Engineers, accompanying the appeal there will be no impact on the carrying capacity of Church Road and traffic turning movements will be negligible, given the scale of the proposal.
- In relation to the reference to the proposed development setting a precedent, it is noted that all planning applications must be considered on their individual merits.
- The proposed development is an ideal location for such development being a well serviced suburban location. The proposed development is of high

architectural quality, is serviced and can be provided within negatively impacting upon the adjacent Protected Structure or neighbouring properties.

## 6.2. **Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. **Observations**

- None

## 6.4. **Further Responses**

- None

## 7.0 **Assessment**

As part of their appeal, the applicant submitted a letter, prepared by Roughan O'Donovan Consulting Engineers, in response to the concerns raised by the Transportation Planning Section. The applicant asks that this be read in conjunction with the original reports/plans submitted with the planning application. It is noted that the report submitted with the appeal introduces no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, this assessment is based on the plans and information received by Dun Laoghaire Rathdown County Council on 22<sup>nd</sup> August 2022 and the material received by the Board on 2<sup>nd</sup> October 2022.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Access/Traffic Issues

- Principle of Development
- Density and Housing Mix
- Impact on Built Heritage/Visual Amenity
- Residential Amenity
- Open Space Provision and Tree Conservation
- Appropriate Assessment

## **7.1. Access/Traffic Issues**

- 7.1.1. The singular objection of the Planning Authority to the proposed development relates to Church Road. More specifically, it is considered that the proposed development is premature pending the determination of the road layout/detailed design of Church Road as part of the Cherrywood to Dún Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout) and that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road would have a seriously adverse impact on the carrying capacity of this link road, would result in queueing and would set an undesirable precedent for further residential development accessing onto Church Road with consequent implications for public safety and the carrying capacity of the road. The improvement of this road is a 6-year road objective under the current County Development Plan (2022-2028).
- 7.1.2. Turning my attention firstly to the proposed developments prematurity pending the road layout/detailed design of Church Road in the context of the Cherrywood to Dún Laoghaire Strategic Route. The proposed development adopts a 5 metre setback from the boundary wall featuring along the Church Road frontage to facilitate the future development of the Quality Bus Corridor/road upgrades. Irrespective of this, the Planning Authority's Transportation Planning Section were of the view that the upgrade Scheme along Church Road would entail a significant alteration of the existing road layout for the area and that the proposal would be premature pending the determination of the road layout of the area/the detailed design for the scheme.

Contrary to this view, the appellant contends that the 5 metre setback adopted by the current proposal ensures any future road proposals can be readily accommodated on the site.

- 7.1.3. I note that the provision of a 5 metre setback from the site's common boundary with Church Road was also included in the previous proposal considered by the Board (under ABP Ref. ABP-305485-19). Although permission was refused in this previous instance (for a reason pertaining to residential density and mix of house types), the Board's Order provided the following commentary in relation to the proposals implications for the Church Road layout/detailed design: - *'in deciding not to accept the Inspector's recommendation to refuse permission for reasons of prematurity pending the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme, the Board had regard to the recently granted residential developments (An Bord Pleanála Reference Numbers ABP-301334-18 and ABP-301148) along Church Road and considered that the design of the proposed development which is set back from the road edge would not compromise the bus or road objectives on Church Road'*. Further to this, there have been a number of applications in the vicinity of the site for infill residential development fronting Church Road (discussed previously in Section 4.3). Two of these applications (ABP Refs. ABP-301128-18 and ABP-309807-21 which related to infill residential developments) have been granted by the Board, the Board being satisfied that appropriate setbacks were provided from Church Road to facilitate future Church Road alterations.
- 7.1.4. The appellant argues that An Bord Pleanála's assessments of the most recent application on the subject site and applications in the vicinity of the subject site have addressed the issue in respect of Church Road definitively and that the extant grants of permission/conditions in the context of ABP Refs. ABP-301128-18 and ABP-309807-21 provide clear evidence that this issue does not constitute grounds for refusal regarding residential development proposals fronting Church Road. I would share this view. Further to this, I note that the proposed development does not propose a significant alteration of the existing road layout, as suggested in the Planning Authority's reason for refusal. The proposed development will have no discernible

impact on the road layout of Church Road, utilising an existing access point serving Harrow House that has wide visibility in both directions.

I am satisfied that the construction of this 4-unit infill development on a residential cul-de-sac will not seriously or adversely affect the stated development objectives of Dun Laoghaire Rathdown County Council for the future development of Church Road in terms of bus priority or road improvements. To restrict development of the entirety of the subject site pending the finalisation of the road layout for the area/the detailed design for the proposed Bus Priority Scheme, would be excessive in my view, particularly given the applicable roads objective has featured in Development Plans dating back as far as 2004 (it having been included in the Dún Laoghaire-Rathdown County Development Plan 2004-2010).

7.1.5. To ensure the future development of Church Road is facilitated, it is recommended that the Board include a condition requiring that the area of land between the existing Church Road boundary wall and the western boundary wall of the proposed gardens be reserved free of development and ceded to Dun Laoghaire-Rathdown County Council.

7.1.6. In terms of traffic safety, the second aspect of the refusal reason cited by the Planning Authority refers to the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road adversely impacting upon the carrying capacity of this road with consequent implications for public safety. The subject application proposes to introduce 4 no. additional dwellings on the subject site, served by 5 no. car parking spaces. The proposed new dwellings will be accessible via a shared accessway which utilises/shares Harrow House's existing established access on to Church Road. The appeal is accompanied by a letter, prepared by Roughan O'Donovan Consulting Engineers, which discusses traffic movements generated by the proposed development/traffic capacity and safety on Church Road. It outlines that the development will generate approximately 15 additional vehicular movements per day, inclusive of up to 5 movements in the am peak hour and up to 5 movements in the pm peak hour, and concludes that the proposed development will not have any material adverse impact on the traffic capacity or safety of Church Road,

it would not set an undesirable precedent, and the location/layout of the access is consistent with the requirements of the appropriate design standards. Having regard to the low impact on traffic volumes and the fact that the proposed scheme relates to the development of an additional 4 no. dwellings, I am satisfied that the proposed development is acceptable from a traffic safety perspective. I note the Board did not refer to this issue in its previous decisions pertaining to the subject site or in the context of applications considered further north along Church Road (previously discussed in Section 4.3).

- 7.1.7. In terms of car parking provision, the proposed 2-bedroom dwellings are served by 1 no. car parking space and the proposed 4-bedroom dwelling is served by 2 no. car parking spaces, which is consistent with the residential parking requirements outlined in the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

## **7.2. Principle of Development**

- 7.2.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

## **7.3. Density and Housing Mix**

As discussed in Section 4.1, the Board previously refused a proposal (under Reg. Ref. D19A/0475/ABP Reference ABP-305485-19) for the construction of 1 no. 2-storey 5-bedroom detached dwelling on the wider Harrow House site for reasons pertaining to the quantum of development proposed. More specifically, they deemed that the resultant residential density and mix of house types on this 0.47 hectare site failed to comply the requirements of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, May 2009) and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.



7.3.1. Before considering the appropriateness of the density and housing mix of the subject proposal, I think it beneficial to discuss the changes that have occurred at local policy level in the intervening period since the planning application for an additional dwelling on the subject site was considered under Reg. Ref. D19A/0475/ABP Ref. ABP-305485-19. The Planning Authority/Boards previous decision was made under the provisions of the previous Dun Laoghaire Rathdown County Development Plan 2016-2022. I note that the Dun Laoghaire Rathdown County Development Plan 2022-2028 has been introduced in April 2022 following the consideration of the previous application having taken place. One considerable change the adoption of the new development plan has in the context of the subject site is that Harrow House has been added to Dún Laoghaire-Rathdown County Council's List of Protected Structures in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Harrow House's inclusion on this list has implications for the consideration of density/housing mix suitability in the context of the subject proposal.

7.3.2. The subject application proposes 4 no. dwellings in addition to the existing Harrow House which sits on an overall landholding of 0.47ha. In terms of density, the appellant argues that net residential density is the appropriate method for resultant density calculation and that, in line with the Sustainable Residential Development in Urban Areas (2009), Harrow House/its associated gardens, a 22 metre strip between Harrow House/the proposed development and the 5 metre landscaped buffer strip along Church Road should be omitted in terms of site area. In terms of resultant density, this would leave an available developable area of 0.093Ha equating to a density of 43 units per hectare. While I would concur in the context of the 5 metre landscaped buffer strip along Church Road, I consider the remainder of the site to constitute available developable area in terms of net density calculation. On this basis, this would leave an available developable area of 0.4315Ha equating to a density of 12 units per hectare.

7.3.3. The National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in residential density in settlements, through a range of measures including reductions

in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. The Sustainable Residential Development in Urban Areas (2009) encourages minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, within public transport corridors. This sentiment is echoed in the Dun Laoghaire Rathdown Development Plan, 2022-2028, with Section 4.3.1 and Policy Objective PHP18 promoting sustainable densities particularly in public transport corridors and consolidation/re-intensification of infill/brownfield sites. In this regard, the appeal site is currently well served by public transport as it is proximate to the Church Road Bus Stop (located c. 400 metres to the south) which is served by Bus Routes No. 7D, 45A and 45B and the Church View Road Bus Stop (located c. 800 metres to the north) which is served by Bus Routes No. 7, 7A, 7B, 7D, 45A, 45B and 111. Moving forward Church Road is earmarked to form part of a Quality Bus Corridor and the Bus Connects Network Spine/Branch Route B4 is proposed to commence/terminate at the Graduate Roundabout to the north of the site; and Peak Time Route P11, Local Routes L11 and L22 and City Bound Route 98 will run along Churchview Road. Therefore, the subject site is considered appropriate for increased residential densities consistent with the above guidance.

7.3.4. The subject application's resultant density falls short of the minimum net density set out in the Sustainable Residential Development in Urban Areas (2009). However, I consider that such a deviation is appropriate in this instance having regard to the site constraints which curtails the density capable of being achieved on site. These site constraints include the presence of a Protected Structure/large associated gardens on site and the need to provide a landscape buffer along the western boundary to facilitate Church Road amendments. I consider the density proposed strikes an appropriate balance between the densification of existing serviced/accessible suburban land and the protection of the Protected Structure featuring on the wider site/the facilitation of major area wide road improvements.

7.3.5. With regards to the mix of dwellings proposed, the subject development introduces 3 no. 2-bedroom dwellings and 1 no. 4-bedroom dwelling to the site. Having regard to the scale of the development proposed and the existing housing stock in the immediately surrounding area (which comprises mainly large detached and semi-detached dwellings), this mix is considered appropriate in this instance.

#### **7.4. Impact on Built Heritage/Visual Amenity**

7.4.1. The subject site comprises part of the grounds of Harrow House (which is a designated Protected Structure, RPS No. 2040), more specifically part of its front garden adjacent to the site's western boundary. Therefore, consideration of the impact of the proposed development on the curtilage, setting and character of the Protected Structure, Harrow House, is required in this instance. It is worth noting that Harrow House was added on Dún Laoghaire-Rathdown County Council's List of Protected Structures following the recent adoption of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

7.4.2. The Dún Laoghaire-Rathdown County Development Plan 2022-2028, at Policy HER8, seeks to protect protected structures from any works that would negatively impact their special character/appearance and urges that planning permission be refused for inappropriate development within the curtilage/attendant grounds that would adversely impact on the special character of the Protected Structure. The Architectural Heritage Protection Guidelines for Planning Authorities (2011) also require consideration of the effect of items in the curtilage or attendant grounds on the character and / or special interest of the main structure.

7.4.3. The current proposal retains the existing driveway/entry gates serving Harrow House and sees part of its existing front garden/parking area retained to the front, a minimum separation distance of 18.7 metres being provided between Harrow House's front elevation and the proposed development's front (eastern) boundary wall. The proposed development does not propose any amendments to Harrow House's existing sizable side/rear garden. The retention of these existing features, or part thereof in the context of the front garden, ensures that Harrow House maintains its prominence on the site/when viewed from Church Road. A new 1.1 metre high boundary wall and

area of screen planting is to be provided to the east of the proposed development to delineate the new development from the revised Harrow House curtilage, as well as providing a degree of visual separation from the Protected Structure immediately east and the proposed dwellings. The proposed dwellings will be two storey in height and feature a flat roof. Due to a slight fall in level in the part of the garden being developed upon, the proposed dwellings and associated access road will sit 1 metre lower than the level of the front garden area being retained and be c. 3 metres lower in height than Harrow House. The low rise scale of the proposed dwellings (being 2-storey in height with a flat roof) in combination with the sunken nature of the proposed development further reduces its impact on Harrow House's existing setting. For the aforementioned reasons, I consider that the proposed dwellings will sit comfortably in the context of the adjacent Protected Structure and will not detract from its setting or sense of openness and space.

- 7.4.4. Consideration is also needed in relation to the proposed developments potential visual impact on the immediately surrounding residential area. At present, the subject site comprises part of the front garden serving Harrow House enclosed by a 2 metre high natural stone wall/heavy tree planting along the Church Road frontage. The proposed development would be orientated to front a newly created shared accessway within the Harrow House frontage. Under the subject proposal, the stone wall and trees/planting featuring along the western boundary would be retained, the gardens serving the proposed dwellings backing on to the proposed 5 metre landscape buffer strip being provided. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. Immediately south of the site, lies Coundon Court which comprises of a large development of double storey detached dwellings. To the north, on the opposite side of Balure Lane, lies a recently constructed housing development comprising of large double storey detached dwellings. There are limited views from Church Road of the dwellings featuring in both of these estates due to the adoption of generous setbacks/tall boundary walls along their interface with Church Road. To the west of the site, on the opposite side of Church Road, are Treesdale and Littlegrange which

comprise of large detached dwellings on generous plots surrounded by substantial amenity spaces featuring a multitude of established trees/vegetation.

7.4.5. As illustrated in the contiguous elevations/sections and 3D perspective views, prepared by Digital Dimensions, accompanying the application, there will be limited views of the proposed dwellings from Church Road. This is as a result of the double storey height/the use of a flat roof form/adoption of a c. 10 metre setback from the western boundary in the context of the proposed dwellings and the retention of the existing boundary wall/established trees along the Church Road frontage. Further to this, views of the proposed development from Church Road will be further softened by trees currently featuring along the eastern edge of Church Road. I acknowledge that the proposed building would occupy an area currently devoid of development and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal and the existing site context, I am satisfied that the proposed development would sit comfortably in the context of the existing Church Road streetscape and would have sufficient respect and regard for the established pattern and character of development in the streetscape and wider area. Accordingly, permission should not be refused for reasons relating to the design and visual impact of the proposed development in the context of surrounding area. The potential impact of the proposed development on residential amenity of the surrounding area is subsequently considered in Section 7.5.

## 7.5. Residential Amenity

### Proposed Houses

7.5.1. The proposed 2-bed terrace dwellings have a total floor area of 88.3sqm across the 2 floors and the proposed 4-bed detached dwelling has a total floor area of 171.8sqm across the 2 floors, both of which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.

- 7.5.2. Section 12.8.3.3 of the Development Plan requires that 2-bed houses and 4+ bed houses are provided with a minimum of 48sqm and 75sqm of private open space, respectively. Upon review of the plans submitted, the proposed 2-bed dwellings will be served by 71sqm of private open space and the proposed 4-bed dwelling will be served by 143sqm of private open space (comprising a ground floor garden and first floor terrace), which complies with the requirements. The ground floor gardens associated with the terrace dwellings are located to the rear of the dwellings, however the ground floor garden serving the detached dwelling is to the side. The positioning of this garden is considered appropriate in this instance given the generous dimensions of the applicable amenity space and the layout of the proposed development.
- 7.5.3. With regards to servicing, bin storage areas are provided within the rear gardens of each dwelling, accessible via a side accessway in the context of the proposed terraced dwellings.

Existing House (Harrow House)

- 7.5.4. The proposed site plan indicates that a large side/rear garden (c. 1,700sqm) would be retained to serve the existing dwelling on site as well as part of the existing front garden. I consider the retained side/rear garden would be adequate to serve the needs of the existing dwelling, should permission be granted. Cars currently park to the front of Harrow House. This parking arrangement for the existing dwelling will continue to operate post-development, the proposed development proposing only minor alterations to the westernmost section of the driveway.
- 7.5.5. With regards to potential overlooking, a minimum separation distance of 22 metres is provided from Harrow House and the 2-bedroom dwellings proposed immediately opposite while the 4-bedroom dwelling proposed, which sits slightly further east, is devoid of windows on its eastern façade and its first floor terrace features a 1.7 metre high solid wall along its eastern edge. These setbacks/design features are thought to appropriately restrict overlooking of Harrow House. The setbacks provided between

the proposed development and Harrow House, as well as the two storey height proposed/flat roof adopted in the context of the new dwellings, the level difference that exists between Harrow House/the proposed development and the established trees/vegetation maintained on site, also appropriately reduce potential overbearing impacts of the proposed development on Harrow House.

- 7.5.6. With regards to potential overshadowing, due to the orientation of the proposed development to the west of Harrow House, the separation distance proposed and the positioning of the side/rear amenity space serving the existing dwelling on site, no significant overshadowing issues arise from the subject proposal in the context of the existing dwelling.

#### Adjacent Houses

- 7.5.7. The site is adjoined to the south by No. 5 Coundon Court, which comprises a two storey detached dwelling. Save for Harrow House, this is the proposed development's closest residential abuttal, with residential properties to the north and west separated from the subject site by Balure Lane and Church Road, respectively.
- 7.5.8. Having regard to the layout of the proposed detached dwelling and the design of its southern elevation, I consider that there are no overlooking issues to the adjoining property to the south. The south-facing terrace featuring at first floor level of the detached dwelling features a 1.7 metre high solid wall along its southern edge which appropriately restricts potential overlooking. I am satisfied that the two storey design proposed for this site is appropriate in terms of scale. Having regard to the separation distance (a minimum of 7.5 metres is provided from No. 5 Coundon Court's rear boundary) and existing boundary treatment/planting featuring in the intervening space, I do not consider that the proposal would have any material significant visual, obtrusive, or overbearing impacts on the property to the south. Given the orientation of the proposed development, to the north of No. 5 Coundon Court, the proposed development will also not cause unreasonable overshadowing of adjacent private amenity space.

## 7.6. Open Space Provision and Tree Conservation

- 7.6.1. Section 12.8.3.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 requires that, in the context of new residential developments in existing built up areas, 15% of the site area be reserved for public open space provision. It goes on to acknowledge that in certain instances, for example in the context of high density urban schemes and/or smaller urban infill schemes, it may not be possible to provide this standard of public open space and instead a development contribution will be sought.
- 7.6.2. The proposed development is devoid of public open space. This is considered appropriate in this instance given the small size of the subject site. It is recommended that the Board attach a suitably worded condition requiring payment of a financial contribution, including in lieu of public open space provision, in accordance with the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2016-2020. It is noted that in the context of development contributions, the proposed development does not fall under any of the categories of exemption listed in the development contribution scheme and the subject site is located outside the applicable catchment areas relating to the Section 49 Supplementary Development Contribution Schemes (LUAS Line B1 and Glenamuck Distributor Road).
- 7.6.3. The subject site's western and southern boundaries feature heavily treed/vegetated landscape strip. An objective '*to protect and preserve trees and woodlands*' applies to the subject site, pursuant to the Dun Laoghaire Rathdown County Development Plan 2022-2028. Therefore, tree conservation require consideration in the context of the subject application.

~~7.6.4. The subject site's western and southern~~The Proposed Landscape Plan, prepared by Mel Reynolds Architect, accompanying the application illustrates that it is proposed to remove 2 no. ~~existing trees~~ existing trees featuring along the site's western boundary (both of which are in poor health according to the Tree Survey Report, prepared by CMK Horticulture & Arboriculture, which accompanied the application) and to transplant 2 no. other trees that are in good health in the garden associated with Harrow House.



~~7.6.5.~~7.6.4. All other existing trees featuring along the southern and western boundaries will be retained and it is proposed to plant 7 additional trees as part of the subject proposal. Based on the arboricultural material/landscape proposals submitted with the application and my own site visit, I am satisfied that the level of tree retention/loss resulting from the proposed development is acceptable in this instance, having regard to the leafy character of the site and the objective '*to protect and preserve trees and woodlands*' applying to the subject site. Further to this, the retained trees on site and proposed planting will screen the proposed development and reduce its visual impact when viewed from the Church Road/the surrounding area.

~~7.6.6.~~7.6.5. Having regard to the foregoing, it is recommended that the Board include conditions requiring that tree protection fencing be erected, major roots be protected/branched be retained during excavation/construction works and tree felling be suitably timed.

## **7.7. Appropriate Assessment**

7.7.1. Having regard to the nature and scale of the proposed development (a small scale infill development within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise 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. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

## 9.0 Reasons and Considerations

Having regard to the land-use zoning objectives for the site as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the nature, layout, scale and design of the proposed development and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately intensify residential use on this suitably located infill site, would constitute an acceptable quantum and density of development, would not detrimentally impact on the architectural heritage of the area including the character or setting of adjacent Harrow House, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in terms of traffic safety/future road upgrades and would comply with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the Architectural Heritage Protection: Guidelines for Planning Authorities (2011). 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p><b>Reason:</b> In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>The site shall be landscaped and earthworks carried out in accordance with the Landscape Plan, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the apartments are made available for occupation.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
4.	<p>Prior to commencement of the proposed development on site, the applicant shall ensure that the Church Road reservation line to accommodate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', be set out by the contractor and agreed with the planning authority. The western boundary wall of the proposed gardens shall be constructed along or behind this line.</p> <p>The applicant shall ensure that the area of land between the existing Church Road boundary wall and the western boundary wall of the proposed gardens shall be reserved free of development and ceded to Dun Laoghaire-Rathdown County Council to facilitate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)'.</p> <p><b>Reason:</b> In the interest of ensuring the future completion of the proposed 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus</p>

	Corridor (QBC)' and in the interest of proper planning and sustainable development of the area.
5.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
6.	<p>(a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees on Drawing No. P-05, as submitted to the planning authority on the 22<sup>nd</sup> of August, 2022, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over</p>

	<p>the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas designated in Condition No. 5 of this order shall be carried out using non-mechanised hand tools only.</p> <p><b>Reason:</b> To ensure that the tree(s) are not damaged or otherwise adversely affected by building operations.</p>
7.	<p>Trees to be removed on site shall be felled in late summer or autumn.</p> <p><b>Reason:</b> In the interest of nature conservation.</p>
8.	<p>Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
9.	<p>All of the parking spaces serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply 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 interest of sustainable transportation.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, inclusive of hours of working, noise management measures and off-site disposal of construction/demolition waste.</p>

	<b>Reason:</b> In the interests of public safety and residential amenity.
11.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
12.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
13.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>

14.	<p>Water supply and 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>
15.	<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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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>
16.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 in lieu of public open space provision. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in</p>

	<p>accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p><b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

*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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Margaret Commane  
Planning Inspector

14<sup>th</sup> August 2023