

An
Bord
Pleanála

Inspector's Report ABP315103-22

Development

Demolition of existing dwelling and replacement with a two-storey detached dwelling utilising existing vehicular access, and two semi-detached two-storey dwellings with new vehicular access driveways.

Location

41 Hainault Road, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council .

Planning Authority Reg. Ref.

D21A/0999

Applicant(s)

Type of Application

Permission.

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Patricia & Patrick Boylan

Observer(s)

yes

Date of Site Inspection

14/08/2023.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The site comprises a large suburban bungalow located in a streetscape of bungalows within a sylvan setting on the south side of Hainault Road. No. 41 Hainault Road is a mature residential plot with a substantial front and rear garden. The site area is given as 0.1268 hectares.
- 1.2. Hainault Road is a mature residential suburban avenue comprising large predominantly detached twentieth-century two-storey houses and bungalows. There are a limited number of recent higher-density infill developments most notable at no. 59 Hainault Road - 'Stillwater House' and the adjoining property to the east of the applicant site.
- 1.3. The Luas is approximately 1km from the applicant site at Carrickmines station. There is an accessible bus service within approximately 300m.

2.0 Proposed Development

- 2.1. The demolition of an existing dwelling and replacement with a two-storey detached dwelling utilising existing vehicular access, and two semi-detached two-storey dwellings with new vehicular access driveways.

3.0 Planning Authority Decision

Refuse planning permission

3.1. Decision

The proposed development was refused planning permission for the following reason:

1. It is considered that the proposed development, by virtue of its bulk, scale and design would appear overbearing when viewed from the adjoining properties and would be visually inappropriate and obtrusive at this location. It is therefore considered that the proposed development would seriously injure the residential and visual amenities of this area and would be contrary to the County Development Plan 2022-2028 Objective 'A' zoning of the subject site

and its environs which seeks to improve residential amenity while protecting existing residential amenities. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Further Information Request 18/01/2022

1. The Planning Authority requests that the Applicant provides an existing site layout. The site layout plan should identifying habitable room windows for all surrounding properties;
2. The Planning Authority requests that the Applicant provide oblique CGI images in order to fully assess the potential impacts of the proposed built form from the Hainault Road frontage and also from the rear of the adjacent properties located to the immediate east and west;
3. The Planning Authority requests that the Applicant provide a Shadow Assessment as well as a daylight and sunlight impact assessment; these reports shall include details of the proposed development upon existing adjoining properties as well as the future impacts upon the proposed new dwellings;
4. The Planning Authority has concerns regarding the landscaping treatment of the boundaries to the subject site's immediate neighbours on Hainault Road and the ambiguity about what existing elements are to be retained at those locations. The Applicant is requested to provide detailed landscaping proposals for the entirety of the subject site (including a drawing or set of drawings). Where landscaping elements of the existing site are proposed for removal, reasoning and justification for said removal should be provided, as well as what ameliorative / restorative screening measures will be implemented. Furthermore, to ensure a full assessment of the proposed development can be carried out, the Applicant is requested to provide an existing site layout drawing;
5. The Applicant shall submit revised plan layout drawings to show the proposed new vehicular entrances to. Be a maximum width of 3.5m in accordance with Chapter 8.2.4.9 ('Vehicular Entrances and Hardstanding Areas') of the County Development Plan 2016-2022. Furthermore, the applicant shall show on a detailed elevation drawing the proposed new front boundary treatment. Inward

opening gates (if any) shall not exceed a maximum height of 1.1m and the side boundary with the adjoining properties should be low to ensure adequate vision for pedestrians and exiting vehicles from the proposed and adjoining vehicular entrances;

6. The Applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water/wastewater infrastructure. The Confirmation of Feasibility (COF) must be submitted to the Planning Authority as the response to this Further Information request. Pre-connection enquiries can be made at <https://www.water.ie/connection/get-connected/>.

Response to Further Information was received 26/09/2022

1. Site Layout Plan showing habitable room windows for surrounding properties, on drawing 6799-10FI;
2. CGI drawings are attached at 6799-07FI & 08FI
3. Daylight and sunlight assessment is attached on drawing 6799-12FI - Shadow assessment is attached on drawing 6799-12FI;
4. A report on all the trees on the site was commissioned from Arborist Associates and the survey was carried out by Felim Sheridan who is a fellow of the Arboricultural Association;
5. The vehicular access width has been reduced to 3.5m. A drawing of the front wall is attached. The side walls with the neighbours in 39 and 43 are 0.9m high. See detail on drawing 6799-11FI;
6. An application is processing with Irish water, pending a decision the permission could be conditioned, subject the Irish Water making services available, as done by other planning authorities.

As the further information was not deemed significant no new public notices were requested by the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflected the recommendation of the planning case officer

3.2.2. Other Technical Reports

The internal reporting does not object to the development subject to condition.

4.0 Planning History

The following planning history is relevant:

Planning permission was granted (22nd May, 2008) for the demolition of the existing house at no. 41 Hainault Road and the construction of two 2-storey four-bedroom detached houses under Register Reference No: D07A/1172.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 202-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use zoning objectives) Table 13.1.1 (Development Plan Zoning Objectives) and Map 6 are relevant.

The zoning objective for the subject development site is "A": *To provide residential development and improve residential amenity while protecting the existing residential amenities. Residential is a 'permitted in principle' land use.*

Urban Consolidation

- Chapter 2 (Core Strategy), Policy Objective CS11 – Compact Growth - is relevant and states:

It is a Policy Objective to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES).

It is noted that Figure 2.9 (Core Strategy Map) defines the boundary of Dublin City and Suburbs. The development site is located within the boundary.

- Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP18 (Residential Density) is relevant and states:
 - *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 providing that proposals provide for high quality design and ensure a balance between the protection of the existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

And Policy Objective PHP20 (Protection of Existing Residential Amenities) is relevant and states:

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.

Infill Housing

- Chapter 12 (Development Standards) Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) in particular Section 12.3.7.7 (Infill) is relevant. 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, gateways, trees, landscaping, and fencing or railings.

Private Open Space

- Section 12.8.3.3 (Private Open Spaces) Table 12.10 (Private Open Space) is also relevant:

house type	Private Open Space requirement (minimum)
1-2 bedroom	48 sq. m. *
3 bedroom	60 sq. m.
4 bedroom (or more)	75 sq. m.

Vehicular Entrances and Car Parking Standards

- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.
- Section 12.4.5.6 (Residential Parking) & Table 12.5 (Car Parking Zones and Standards) provides car parking standards for residential development *inter alia* near public transport (Zone 2). The car parking standard for a 3-bedroom house in zone 2 is 2 car parking spaces per unit.

Demolition

- Section 12.3.9 (Demolition and Replacement Dwellings) states that the Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Housing, Planning and Local Government 'Urban Development and Building Height Guidelines for Planning Authorities' (December 2018)
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

5.2. EIA Screening

5.3. The development is not in a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

- The development site at no. 41 Hainault Road comprises a substantial mature residential plot with extensive road frontage where demolition of the existing 1960's/1970's dwelling has previously been granted planning permission (D07/11172) for the construction of two large two-storey detached dwelling houses;
- The previously authorised two-storey dwelling houses had a roof height of 6m above ground level and the two-storey portion that projected 5m beyond the rear building line represents similar massing to the current proposal (two side elevation drawings are appended with reference to the adjoining properties at no. 39 (to the west) and no. 43 (to the east) Hainault Road is submitted with

the appeal showing the outline of the proposed and previously authorised developments);

- The existing bungalow on site is energy inefficient and the proposed development is for higher density energy efficient housing aligned with sustainable development goals;
- The Planning Authority have acknowledged the trend toward densification and have granted planning permission for demolition of single houses on large plots and their replacement with multiple dwellings both on the subject development site and at no. 59 Hainault Road;
- The Planning Authority accepts the principle of two-storey house development on Hainault Road and the replacement of the subject bungalow with three two-storey dwellings. However, the Planner's Report has concern regarding the scale and bulk of the proposed subject dwellings, as the sole reason for refusal, and the potential for adverse unspecified impacts;
- The neighbours on the west and east side, at no. 39 Hainault Road and no.43 Hainault Road, and to the rear of the site at 'The Ticket', will not be adversely impacted, either visually or in relation to their residential amenity, by the proposed development, as demonstrated in the appeal (a contiguous rear elevation drawing showing nos. 39 and 43 Hainault Road and the proposed development is submitted with the appeal showing shadowing impacts);
- The impact of the proposed new dwellings will be mitigated by the mature planting on site and along Hainault Road. The vicinity reads as an arbour or woodland rather than a row of houses. The submitted arboriculture report clarified trees / shrubs to be retained, removed and replaced;
- The proposed dwellings at no. 41 Hainault Road are finished in light colour render / brick at ground level and darker material at first floor level to reflect the shading of the bungalow walls and roof on either side minimising the contrasting visual impact;
- One side window is proposed facing the gable of no. 39 and no. 40 Hainault Road. The window lights the landing and will have obscure glazing. No

overlooking of the neighbouring property and in particular the rear gardens is possible.

- The proposed development satisfies density, open space and car parking standards.

6.2. Observations

Two observations are recorded on the subject appeal and are summarised below:

- Louise Jennings, 18 The Thicket, Foxrock, Co. Dublin
 - The proposed 3 new two-storey dwellings will not blend in with the existing streetscape of bungalows;
 - The proposal to remove the tall mature Lawson Cypress tree will remove my privacy screen;
 - There will be overlooking through the gap in the trees of my property from the first-floor bedroom windows;
 - The proposed 3 dwellings will create greater activity and will impact on the tranquillity of my garden;
 - Restrict the operation hours of construction if planning permission is granted.

Barry Tennyson, 20 The Thicket, Foxrock, Co. Dublin

- The existing row of eight bungalows on Hainault Road are not obsolete and there is no plan to replace the eight existing bungalows;
- The continuous row of bungalows is a visual amenity. The proposed bulk, scale and massing of the development will be clearly visible on Hainault Road, as there will be no room for planting given that there will be triple driveway entrances to the front of the dwellings;
- The removal of trees on the southern rear boundary will reduce the privacy of no. 20 'The Thicket';
- The replacement trees will not provide sufficient girth to provide necessary screening;

- The loss of trees will contravene Development Plan objective OSR7 in relation to the retention of trees and woodland;
- The separation distance between no. 39 Hainault Road and the proposed development is shown as 670mm, which is insufficient for the passage of a 575mm wheel barrow once the thickness of the boundary / gateway is considered;
- There is insufficient turning radius for a vehicle entering and leaving the driveway resulting in potential use of on-street parking;
- The inadequate separation distance of the side passageway and the inadequate turning radius is indicative of an infill design that is overbearing in bulk, scale and massing.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the submitted observations and encapsulates my *de novo* consideration of the application. It is noted that there are no new substantive matters for consideration.
- 7.2. The appellant has submitted Drawing no. 6799-09 (dated 05/10/21) with the appeal statement showing the contiguous rear elevations of nos. 39 (to the west) and 43 (to the east) Hainault Road and the rear elevation of the proposed development. This drawing does not amend the proposal and forms part of the assessment below.

The drawing is a clarification of the relationship between the existing adjoining properties and the proposed infill houses, including showing potential shadowing impacts. The relevant overall procedural and planning issues arising are interrogated in my assessment under the following headings:

- Compact growth & urban consolidation;
- Infill residential development;
- Scale, height and massing;
- Architectural design, building form & elevation treatment;
- internal configuration and amenity;
- Open space provision;

- Vehicular access and parking;
- Impact on adjoining residential & visual amenities;
- Demolition;
- Landscaping;
- Appropriate Assessment.

7.3. Compact growth & urban consolidation

The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and, as such, promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes. The strategic objective of compact urban development is supported in principle by densification of urban / suburban sites in particular lands accessible to by walking, cycling and public transport. No. 41 Hainault Road is located approximately 1km from Carrickmines Luas stop and is accessible by bus.

It is considered that the redevelopment and densification of existing urban / suburban serviced lands in our cities and towns primarily by increasing density of dwelling units on greenfield sites, in the redevelopment of under-utilised brownfield and infill sites are key compact growth objectives. Hainault Road is located within the designation 'Dublin City and Suburbs' (Urban) of the Core Strategy Map (Figure 2.9) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Chapter 2 (Core Strategy), Policy Objective CS11 – Compact Growth – requires the deliver of 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary.

Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP18 (Residential Density) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 *inter alia* provides for the increase of housing supply and the promotion of 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.

The merits of the proposed development are assessed below in order to ascertain whether the strategic objective of compact growth can be achieved in the instance of the subject application providing for a high quality outcome.

7.4. Infill residential development

Chapter 12 (Development Standards), Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas), Section 12.3.7.7 (Infill) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 encourages infill housing development in accordance with Policy Objective PHP19 (Existing Housing Stock-Adaptation). Policy Objective PHP19 promotes densification of built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

The development site has a street frontage of approximately 22m. The proposed new infill two-storey streetscape comprising a detached dwelling and two semi-detached dwellings, would be integrated into an existing streetscape of pitched-roofed bungalows. The dwellings would respect the existing building line on Hainault Road, with each house exhibiting a front projection of the main reception room forward of the building line by approximately 1.8m, which would provide modulation to the front ground floor elevation of the infill streetscape.

The proposed site density would represent an equivalent of 24 units to the hectare in comparison to an existing approximate site density of 8 units to the hectare. The proposed site density is acceptable given other site constraints including the pattern of development in the area, which is characterised by detached houses with front and rear gardens, and the policy requirement to protect existing residential amenities.

There is significant separation distances between the proposed new dwelling houses and the houses located to the south west in the neighbouring suburban cul-de-sac known as 'The Thicket'. The distance from the nearest point of the proposed development to the rear property boundary is 22m and greater (Drawing 6799-10, dated 01/02/22, submitted to the Planning Authority on the 26/10/22 as Further Information). The property boundary to the south and south-west is screened by mature planting. However, it is noted that a number of trees will be removed as part of a tree management process and new species trees will be planted as

replacement. It is considered that no adverse impacts will result from the proposed development on properties located to the south and south west given their distance from the development.

The potential impacts on existing residential amenities of the proposed development are assessed below with reference to the adjoining neighbouring houses at no. 39 (western neighbour) and no. 43 (eastern neighbour) Hainault Road.

7.5. Height, scale and massing

Section 12.3.7.7 of the plan requires infill housing to respect the height and massing of existing residential units. The proposed infill houses would each have a building footprint of approximately 110 sqm measuring approximately 18.5m in depth and 6.3m in width (Drawing 6799-03, dated 05/10/21 submitted to the Planning Authority 15/11/22).

The overall floor area of each house would be approximately 172 sqm.; an approximate 515 sqm new build floor area is indicated in the submitted application form. The houses would replace the existing 208 sqm. bungalow (with attic conversion), which has a pitched roof with a ridge height (7m from ground level) higher than the proposed parapet height of the infill streetscape. (approximately 6.3 from ground level).

The proposed two-storey infill streetscape would represent a significant change in building volume in particular to the rear of the site. It is considered that the proposal would respect the ridge height of the adjoining houses on Hainault Road and would provide continuity in terms of the front building line. However, the massing to the rear of the infill streetscape projects beyond the established rear building line and the detached and semi-detached building blocks have a significantly deeper footprint than the existing bungalow and the adjoining neighbouring bungalows.

7.6. Architectural design, building form and elevation treatment

The proposed development would be contemporary in design. The overall infill streetscape would exhibit a 6-bay frontage comprising a detached house and two semi-detached houses two-storey in height. The house design would have a distinct contemporary and different appearance to the existing horizontal streetscape characterised by pitched roof late twentieth-century bungalows on this side of Hainault Road.

The infill houses would be 2-bays each in width exhibiting a vertical emphasis. They would have a flat roof instead of pitched roofs with a pronounced granite capped parapet line. The entrance doorways would be signalled by a cantilevered canopy above the threshold. The front elevation of the infill streetscape is modulated at ground floor level by the projection of the reception room window bay of each of the houses.

The proposed palette of materials would include brick and render finishes. The triple-glaze fenestration would have a grey aluminium finish, the window cills would be silvery-grey granite. The boundary treatment to Hainault Road would be provided with a solid masonry wall punctuated by three number vehicular openings to the main carriageway. The front garden area would be hard-surfaced providing two dedicated car parking spaces per housing unit.

The rear elevations would be part two-storey and part single-storey. The single-storey element projecting into the rear garden by approximately 3m for the full width of each of the houses. The single-storey element would have a mono-pitch roof with an oblong roof light. The two-storey element would project an approximate 5.5m forward of the principal rear building line. The projection of the development forward of the established rear building line is an approximate aggregate 8m.

7.7. Internal configuration and amenity

The overall floor area at ground floor level would be an approximate 100 sqm. comprising a kitchen / dining room / living room and a separate 'TV room' at ground floor level with ancillary domestic spaces. The first floor accommodation is equivalent to three bedrooms (one shown with an internal arrangement as a study) and a bathroom at first floor level. The master bedroom would have ensuite and dressing room facilities.

It is considered that the proposed dwellings would represent a reasonable level of internal residential amenity. It is further considered that the proposed housing units would satisfy residential accommodation standards, as provided for in Section 12.3.4 (Residential Development - General Requirements) and Section 12.3.4.2 (Habitable Rooms) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

It is noted that the opposing window distance between the ground floor gable fenestration in House 1 and House 2 is less than 2m. The reconfiguration of the

gable fenestration of House 1 to ensure a reasonable level of amenity can be dealt with by way of condition.

7.8. Open Space

The Dun Laoghaire-Rathdown County Development Plan, Section 12.8.3.3 (Private Open Space) Table 12.10 (Private Open Space) requires 60sqm. of private open space for three bedroom units. It is considered that the proposed three number three-bedroom units can satisfy and exceed this open space standard.

7.9. Vehicular access and boundary treatment

Section 12.4.5.6 (Residential Parking) & Table 12.5 (Car Parking Zones and Standards) provides car parking standards for residential development *inter alia* near public transport (Zone 2). The car parking standard for a 3-bedroom house in zone 2 is 2 car parking spaces per unit. The proposed number of spaces is 6 number car parking spaces, which would satisfy the standard.

7.10. Impact on existing residential and visual amenity

Chapter 4, Policy Objective PHP20 (Protection of Existing Residential Amenities) ensures that 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. The proposed development would represent a higher net site density. The height of the development would not be greater than the ridge height of the existing house and the adjoining houses.

It is acknowledged that the rear massing of the infill streetscape, proximate to the adjoining boundaries with no. 39 (neighbour to the west) and no.43 (neighbour to the east) Hainault Road, would change the physical relationship with the neighbouring properties to the west and east. The proposed detached and semi-detached dwellings would project beyond the rear building line of the adjoining houses.

The issue of overlooking from first-floor bedroom windows has been cited by observers. However, the linear configuration of the existing bungalows and proposed infill streetscape with north-east / south-west orientation fenestration would mitigate overlooking impacts and ensure that potential overlooking would be restricted to oblique observations.

The two-storey element of the new dwellings would project an approximate 5.5m beyond the established rear building line. However, it is considered that the residential amenities of the adjoining houses at no. 39 and no.43 Hainault Road, both bungalow type dwelling houses with horizontal emphasis located in sizeable plots with front and rear gardens, would not be seriously adversely impacted by the proposed development.

No. 39 and no. 43 Hainault Road enjoy extensive rear gardens with southern orientations that would not be adversely impacted by the proposed development. The impact of the development on the adjoining properties would be limited to the immediate rear of the houses proximate to the boundary with no. 41 Hainault Road. The separation distance to the property boundary is 0.67m with no. 39 Hainault Road and 2.49m with no. 43 Hainault Road, on the western and eastern boundary, respectively.

Drawing no. 6799-09 (dated 05/10/21 submitted 15/11/22) has been submitted by the appellant with the appeal statement, showing the contiguous rear elevations of no. 39 (to the west) and no. 43 (to the east) Hainault Road and the rear of the proposed development, includes a shadow analysis.

The analysis shows that the houses at no. 39 and no. 43 Hainault Road, with the potential to be negatively impacted, would not experience significant overshadowing impacts. Furthermore, I consider that the visual impact of the development on the adjoining boundaries will be limited and would not have a significant adverse impact to warrant refusal.

7.11. Demolition

The demolition of the existing single dwelling house would result in the provision of one replacement and two additional housing units. It is considered that the applicant has demonstrated that the principle of demolition is acceptable in the instance of the subject development proposal.

7.12. Landscaping

A number of observers have concerns in regard to screening and the removal of mature planting. The applicant submitted a detailed tree survey, conducted by Felim Sheridan fellow of the Arboricultural Association, in response to a further information request by the Planning Authority. The Planning Authority requested clarification of

the removal of existing planting, in specific in regard to the boundaries to immediate neighbours on Hainault Road, and the replacement of same.

A total of 8 of the 23 trees identified will be removed; all of the trees to be removed bar two Category 'B' trees are of low quality. The removal of category "B" trees is reasonable given the car parking requirement and the justification provided.

It is noted that tree removal is balanced with tree replacement, including the removal of the line of Cypress trees to the rear of the site along the boundary with houses located in "The Thicket". However, six 18/20 cm girth *Carpinus Betulus* (Hornbeam) will be planted as replacements at a ratio of two trees per new rear garden. It is considered that the Arboricultural Assessment Report, dated August 2022, and recommendations form part of the planning application and satisfactorily address landscaping matters.

7.13. Conclusion

In conclusion, the proposed development is aligned with national, regional and local compact growth policy objectives and represents a small-scale infill development opportunity given the substantial mature residential plot, the urban location of the infill development site and the proximity to accessible high frequency public transport. It is considered that the architectural design of the infill streetscape would be consistent in height, scale and massing with the streetscapes on Hainault Road, which is characterised by an eclectic mix of housing typologies and styles, and would harmonise with the existing housing stock in terms of the proposed material finish. Furthermore, it is considered that by reason of orientation, internal house design and open space provision, the proposed three number dwellings would represent a reasonable level of residential amenity and their development would not adversely impact on the existing residential amenities of properties in the vicinity, including the adjoining properties at no. 39 and no. 43 Hainault Road.

7.14. **Appropriate Assessment**

The proposed development comprises demolition of a dwelling house and the construction of three new dwellings in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS

8.0 Recommendation

8.1. I recommend a grant of permission subject to condition.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective and the accessible location of the development site (Figure 2.9 Core Strategy Map of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 - Dublin & Suburbs designation – Urban) proximate to high frequency public transport and, the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which *inter alia* encourages small scale infill residential development and requires 100% of all new homes pertaining to Dublin City and Suburbs to be provided within or contiguous to its geographic boundary, it is considered that the proposed development would provide a reasonable level of residential amenity, would not have an adverse impact on existing residential amenities and would be consistent with the proper planning and sustainable development of the area.

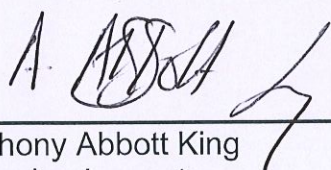
10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15 day of November 2021, as amended by the further plans and particulars submitted on the 26 day of September 2022, and by the further plans and particulars received by An Bord Pleanála on the 15 day of November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) the gable windows in House 1 (north-west elevation) shall be omitted or re-located not to directly face the gable window in House 2.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of residential amenity</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall adhere to the recommendations of the Transportation Department of the Planning Authority.</p> <p>Reason: In the interest of road safety and in the interest of orderly development.</p>
6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>

8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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"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".



Anthony Abbott King
Planning Inspector

17th August 2023